

**DODGE COUNTY LAND RESOURCES AND PARKS COMMITTEE
MINUTES
February 1, 2021**

The Dodge County Land Resources and Parks Committee met on February 1, 2021 at 7:00 p.m. on the 1st Floor of the Administration Building, Juneau, Wisconsin.

Travis Schultz called the meeting to order. Roll Call was taken. Members present were Allen Behl, Mary Bobholz and Travis Schultz. Larry Schraufnagel participated by phone. Members excused were Tom Schaefer. The staff present at the request of the Chairman were Bill Ehlenbeck and Joseph Giebel.

No other County Board members in attendance.

Travis Schultz asked the staff to confirm compliance with the open meeting laws and the public hearing notice requirements. Joseph 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.

TOWN REZONING REQUEST

Town Rezoning Petition – **Mark and Roberta Nelson** – Part of the NW ¼ of the NW ¼, Section 8, T11N, R14E, Town of Beaver Dam, Dodge County, Wisconsin. Petition to rezone approximately 0.5-acres of land under the Town of Beaver Dam Zoning Ordinance, from the C-1 Commercial Zoning District to the R-1 Single Family Residential Zoning District has been submitted by the Town of Beaver Dam Town Board to the Dodge County Board of Supervisors for approval. Committee review and recommendation to the County Board.

Motion by Mary Bobholz to submit a favorable recommendation to the County Board of Supervisors on the request to rezone approximately 0.5-acres of land under the Town of Beaver Dam Zoning Ordinance, from the C-1 Commercial Zoning District to the R-1 Single Family Residential Zoning District to allow for the construction of a residence on this lot.

Second by Allen Behl Vote 4-0 Motion carried.

TOWN REZONING REQUEST

Town Rezoning Petition – **Crave Family Partnership** – Part of the NW ¼ of the SW ¼, Section 20, T09N, R13E, Town of Portland, Dodge County, Wisconsin. Petition to rezone approximately 6.5-acres of land under the Town of Portland Zoning Ordinance, from the A-1 Farmland Preservation Zoning District to the A-2 General Agricultural Zoning District has been submitted by the Town of Portland Town Board to the Dodge County Board of Supervisors for approval. Committee review and recommendation to the County Board.

Motion by Mary Bobholz to submit a favorable recommendation to the County Board of Supervisors on the petition to rezone approximately 6.5-acres of land under the Town of Portland Zoning Ordinance, from the A-1 Farmland Preservation Zoning District to the A-2 General Agricultural Zoning District to allow for the creation of a non-farm residential lot.

Second by Larry Schraufnagel Vote 4-0 Motion carried.

The hearing procedures were read into the record.

PUBLIC HEARING

Daniel Siegmann - Request for a Conditional Use Permit under the Land Use Code, Dodge County, Wisconsin to allow the establishment of a custom butchering and processing facility within an existing agricultural building on this site. The property is located in part of the NW ¼ of the NW ¼, Section 16, Town of Rubicon, the site address being W1969 County Road N.

Motion by Mary Bobholz to approve the conditional use permit to allow the establishment of a custom butchering and processing facility within an existing agricultural building on this site subject to the following conditions:

1. The business operation shall be conducted without offensive noise, vibration, dust, smoke, odor, glare, lighting or the risk of fire, explosion or other accident and shall not be detrimental to the public health and safety or general welfare of the immediate neighborhood or community;
2. It shall be the responsibility of the applicant to obtain all Federal, State and/or local municipality permits, licenses and approvals that may be required for the conversion of the existing building into a commercial butchering and processing facility prior to issuance of the conditional use permit;
3. A County land use permit shall be obtained by the developer for the proposed construction/conversion project that will be needed to bring the existing building into compliance with the applicable commercial building and health and safety codes, for any filling and grading to be done on the site and for any signs to be located on said property prior to beginning construction of the project and prior to locating any signs on this property;
4. State commercial building plan approval for the conversion of the building into the butchering and processing facility shall be obtained prior to the issuance of the Land Use Permit;
5. All exterior lighting shall meet the functional and security needs of the proposed development project without adversely affecting adjacent properties. A lighting plan shall be submitted to the Department for review and approval prior to the issuance of a land use permit for the proposed project;
6. The applicant will be required to submit documentation to the Department for review and approval to verify that the proposed project will comply with the applicable sanitary ordinance requirements of the Code prior to issuance of the land use permit for the facility.
7. The applicant shall provide a copy of the waste removal service plans and agreement to the Department for review prior to occupancy of the facility;
8. Any significant change to or expansion of the business operation and/or of its facilities may require that a new Conditional Use Permit be obtained;
9. The decision of the Committee shall expire one year after the decision is filed with the Department unless construction has been diligently pursued, a Certificate of Zoning Compliance has been issued, the use is established, or the Conditional Use Permit is renewed, for a period not to exceed one year;
10. The Conditional Use Permit shall also expire upon termination of a project or if the rights granted by the permit are discontinued for 180 consecutive days.

Second by Allen Behl

Vote 4-0

Motion carried.

TOWN ORDINANCE AMENDMENT REQUEST

Town of Hubbard Town Board – A petition to amend certain provisions of the text of the Town of Hubbard Zoning Ordinance and the Town Farmland Preservation Zoning Map has been submitted by the Town of Hubbard Town Board to the County Board of Supervisors for approval. The proposed changes relate to the reduction in the number of zoning districts in the Ordinance from twelve to seven and to add a Farmland Preservation Zoning District.

Motion by Allen Behl to submit a favorable recommendation to the County Board of Supervisors on the petition to amend certain provisions of the text of the Town of Hubbard Zoning Ordinance and the Town Farmland Preservation Zoning Map.

Second by Mary Bobholz Vote 4-0 Motion carried.

ADMINISTRATIVE BUSINESS

1. Review 2020 Revenue and Budget Reports

Bill Ehlenbeck reviewed a project report with the Committee for the board walk construction project at Ledge Park. Bill also reviewed the 2020 Department budget revenue report with the Committee. The revenue from the code programs remained strong throughout the year and finished well above the projected budget for the year. The revenue from the parks took a hit in the early part of the year due to the COVID restrictions but finished strong at the end of the year and the revenue from the parks reached 98% of the projected budget. Bill noted that there will be a few budget carry over requests at the next Committee meeting for projects that were not completed this year and for the non-lapsing fund accounts that need to be carried over to the 2021 budget.

2. Review Maintenance agreement with Mayville for Gold Star Trail

Bill Ehlenbeck provided the Committee with a handout and a copy of the proposed maintenance agreement between the County and the City of Mayville covering maintenance for a portion of the Gold Star Memorial Trail and solidifying our partnership. A portion of the Gold Star Trail is located within Theiler Park in the City of Mayville. The grant received by the County to make improvements to the park and develop the Gold Star Trail through Theiler Park requires the County to make sure trail is maintained properly. The City is currently providing the routine maintenance for this portion of the trail because they can provide a better level of maintenance as part of their park maintenance than we can provide. The agreement calls for both the City and County to continue to work in partnership on any issues or changes to the Gold Star Trail in Theiler Park. The Dodge County Corporation Counsel is reviewing the agreement and the City of Mayville will be considering it at an upcoming meeting.

Motion by Allen Behl to authorize Bill Ehlenbeck to sign the final trail maintenance agreement with the City of Mayville, subject to the review and approval of the agreement by the Dodge County Corporation Counsel.

Second by Mary Bobholz Vote: 4-0 Motion carried.

3. The minutes from the January 4, 2021 meeting were reviewed by the Committee.

Motion by Mary Bobholz to approve the minutes as written.

Second by Allen Behl Vote: 4-0 Motion carried.

4. No Committee Member Reports

5. No Additional Per Diems

Motion by order of the Chair to adjourn the meeting.

Meeting adjourned at 8:13 p.m.

Respectfully Submitted,

Allen Behl, Secretary

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

Land Resources and Parks Department Staff Report

County Conditional Use Permit Application # 2021-0033

Filing Date: January 14, 2021

Hearing Date: February 15, 2021

Applicant (Agent):

Jason Munzel
Munzel Grading & Landscaping
N609 S Hickory Hills Dr.
Oconomowoc, WI 53066

Owner:

SIT Willow Creek LLC
514 Wells St. Ste 1W
Delafield, WI 53018

Location

PIN#: 002-0917-2932-002

Location: Lot 1, Willow Creek Subdivision, located in part of the NW ¼ of the SW ¼, Section 29, Town of Ashippun

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 establishment of a landscaping/tree nursery business at this location.

Project Details

The applicant is proposing to establish a landscaping business consisting primarily of a tree nursery focused on retail sales. The proposed use of the property would include primarily storing heeled in nursery stock for retail sales. A portion of the site would also be dedicated to growing nursery stock on-site for future retail sale. If the business is successful, a building may be constructed in the future for storage of equipment and supplies. In the interim, a portable storage building may be constructed for said storage.

Initially the property will be leased with an option to purchase the property. The applicant and his son would be the only part time employees at this time. If the business is successful, an additional part time employee could be added. Most of the sales will be through on-line marketing with limited on-site sales being done. The business will be run by appointment only as much as possible in the early evenings a couple of days a week and possible early mornings or afternoons on a Saturday. Pruning and maintenance of the nursery stock and site maintenance would be done during the day. No impervious surfaces are being planned initially other than the driveway onto the site. An approximate 30' X 30' grassed area at the end of the driveway would be planned for loading and unloading the nursery stock for customers. This area could be hard surfaced if required. Lighting will be kept to a minimum. If a storage structure is constructed, motion lighting would be used on the building similar to the lighting allowed in the subdivision. Grass would be maintained in open areas and the high-traffic areas can be covered by mulch if needed. The placement of planted trees along the south side of the lot will create a buffer area between the properties in the subdivision and the area to be used for selling the heeled in trees. Herbicides and fungicides that are used for the nursery stock could be stored on the property within the storage building if needed. Water storage tanks would also be kept on site. A sign located in accord with the County Code would be used to display the business name and contact information.

County Jurisdiction

The County has Zoning Jurisdiction over this site as the Town of Ashippun has adopted the County's Land Use Code. The site is located within the C-2 Extensive Commercial Zoning District.

Review Criteria

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

Land Use Code Provisions:

Section 3.6 and Table 3.6-1 of the Land Use Code identifies "Landscaping Businesses" as a conditional use in the C-2 Extensive Commercial Zoning District.

Purpose Statement

The purpose of the C-2 Extensive Commercial District is to promote commercial areas for larger retail, wholesale, service and office uses, and outdoor sales lots and other such uses which primarily depend upon vehicular access and constitute single destinations, 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 C-2 Extensive Commercial Zoning District.

The proposed lot is not located within the County's Shoreland or Floodplain jurisdiction.

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

Land Use, Site: Vacant lot

Land Use, Area: Residential subdivision to the east and south, residential to the north, agricultural and a commercial convenience store to the west.

Designated Archaeological Site: Yes No

The proposal is consistent with the Dodge County Comprehensive Plan:

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

Chapter 8 Review – Development Standards

Chapter 8 of the Code lists the development standards for projects including parking location, building design and site design. The regulations of this chapter apply to all development in Dodge County subject to this Code. If the Conditional use permit is approved to allow the establishment of a landscaping/tree nursery at this location, the applicant will be required to obtain a County land use permit for any construction or land disturbing activities that will take place on the lot prior to beginning any construction on this site. The applicant will also be required to submit construction and development plans for review and approval with the land use permit application that documents that the proposed construction or land disturbing activity will meet the provisions of Chapter 8.

According to Section 8.1.4.B of the Code, the Committee may waive any or all of the other requirements of this chapter (Chapter 8 Development Standards), not including the filling, grading, lagooning, or dredging regulations, if the Committee determines that:

8.1.4.B.1 The site or activity in question will have no appreciable off-site impact;

8.1.4.B.2 Compliance with the requirement(s) is impractical or impossible due to site conditions or other circumstances beyond the control of the applicant; or

8.1.4.B.3 The specific requirement is not necessary for a particular site to ensure compliance with the requirements of this chapter.

8.1.4.C Any property for which a waiver from the requirements of this chapter is granted shall comply with all other requirements of this Code.

Off Street Parking

Section 8.2.2.A of the code requires a minimum of 1 off-street parking space per 250 feet of gross floor area plus one space for each employee.

According to the application no sales buildings are planned at this time and a 30' X 30' loading/parking area is planned at the end of the driveway which would provide an area for three parking spaces. This area will be a grassed area and can be mulched or converted to a hard surface area if needed.

Landscaping and Buffering

According to the application all unpaved areas will be maintained in grass and the high-traffic areas would be covered by mulch if needed. Trees will be planted along the south side of the lot to provide a buffer area between the residential lots and the sales area and along the west property line.

Development Standards

Section 8.7 of the Code lists the development standards for projects including parking location, building design and site design. No building designs were submitted with this proposal at this time.

The applicant will be required to submit building plans in accord with Section 8.7 of the code for review and approval with the submission of the land use permit application prior to the issuance of a land use permit for any construction planned for this site.

Exterior Lighting

Section 8.8 of the code lists the lighting standards. According to the code, exterior lighting shall meet the functional and security needs of the subject development in a way that does not adversely affect the adjacent properties or the neighborhood. According to the application, minimal lighting will be used and if a building is constructed, lighting will be fixed to the exterior of the buildings. A detailed lighting plan was not submitted with this proposal at this time.

The applicant will be required to submit lighting plans to this Department in accord with Section 8.8 of the code for review and approval prior to the approval of a land use permit to allow lighting on this site.

Signs

Section 8.9 of the code lists the sign standards.

According to the applicant a signs are planned with name and contact information. The applicant is required to obtain a County Land Use Permit for any signs placed on this site. The applicant will be required to comply with Section 8.9 of the code for any signs placed on this site.

Operational Compatibility Standards

Section 8.5 of the code lists the operational compatibility standards in the code including but not limited to noise, glare, refuse collection, hours of operations, ventilation and the control of odors, etc. No building designs were submitted with this proposal at this time.

Any buildings constructed on this site will be required to be designed in accordance with the operational compatibility standards listed in Section 8.5 of the code and the applicant will be required to submit detailed building and site design plans to this department with a land use permit application for review and approval prior beginning construction. State approved building plans may also be required depending on the proposed use and size of the building.

Stormwater Management and Erosion Control Plans

The applicant is required to comply with the construction site erosion control and stormwater management provisions of Section 7.9 of the Code for all development taking place on this site. According to the application, a hard surfaced driveway would be the only impervious surface area that is planned at this time.

A land use permit and an erosion control plan for the filling and grading activity that will take place on this site will be required if more than 2000 square feet of area is disturbed on this site. In addition, a stormwater management plan will be required if more than 20,000 square feet or greater in total area of impervious surface area is added to this site.

The applicant will be required to submit erosion control and stormwater management plans to this department, if applicable, in accord with Section 7.9 of the code for review and approval with the land use permit application prior to beginning construction on this site.

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 of the code. The staff comments are listed in Exhibit A for review by the committee.

It is the staff's position that the project is in compliance with the applicable provisions of the Dodge County Land Use Code and the staff believes that the Committee can make the findings necessary under Section 2.3.6.F of the code that are required to approve the Conditional Use Permit for this project. If approved with the following conditions, the staff believes that the project will not have an adverse effect on the adjacent land owners, the community or the environment and the proposal will be consistent with the purpose and intent of the Code.

CONDITIONS:

1. The business operation shall be conducted without offensive noise, vibration, dust, smoke, odor, glare, lighting or the risk of fire, explosion or other accident and shall not be detrimental to the public health, safety or general welfare of the immediate neighborhood or community;
2. The proposed 30' X 30' parking area and the driveway to the parking area shall be hard surfaced using gravel, asphalt or concrete. The hard surfaced parking/loading area requirement is intended to prevent tracking of soil and mulch material onto the roads.
3. A minimum 8' wide buffer area shall be maintained between the property lines and the proposed tree planting and heeled in holding areas in order to provide adequate drainage around these areas and to provide sufficient work area for the removal and maintenance of the trees in these areas.
4. The applicant shall submit a soil erosion control plan and a stormwater management plan, if applicable, to this Department in accord with Section 7.9 of the Dodge County Land Use Code for review and approval prior to beginning filling, grading or construction on this site;
5. All Federal, state and local municipality permits shall be obtained by the applicant to operate said business prior to beginning operation of the business on this site;
6. The applicant shall submit a County Land Use permit for any proposed buildings or structures or signs to be located on this site prior to beginning construction on this site. State level building plan approvals shall also be obtained, if required, prior to the issuance of the Land Use Permits for the storage buildings;
7. The exterior walls of any buildings located or constructed on this site shall be painted or sided with low reflective, subtle, neutral or earth tone colors;
8. All exterior lighting plans shall meet the functional and security needs of the proposed development without adversely affecting adjacent properties or the community. A lighting plan shall be submitted to this Department for review and approval prior to locating lighting on this site;
9. Any significant change or expansion of the business may require that a new conditional use permit be obtained.
10. The decision of the Committee shall expire one year after the decision is filed with the Department unless construction has been diligently pursued, a Certificate of Zoning Compliance has been issued, the use is established, or the Conditional Use Permit is renewed, for a period not to exceed one year.
11. The Conditional Use Permit shall also expire upon termination of a project or if the rights granted by the permit are discontinued for 180 consecutive days.

EXHIBIT A

Staff Review Comments

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

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

- It is the staff's position that if the proposed business is constructed and operated in compliance with the development standards of the code, the proposal will be compatible with the adjacent uses;

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

- It is the staff's position that if the business is constructed and operated in compliance with the development standards of the code, 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 project will not have an adverse impact on the value of other property in the area;

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

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

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

- It is the staff's position that there are adequate assurances of continuing maintenance for the proposed business;

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 any significant adverse impacts on the natural environment will be mitigated to the maximum practical extent?

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

- It is the staff's position that the proposed business will not be located in any hazard areas, including floodplains and wetlands.

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 business will comply with the applicable provisions of the code;

Dodge County Land Resources and Parks Committee Decision

County Conditional Use Permit Application # 2021-0033

Filing Date: January 14, 2021

Hearing Date: February 15, 2021

Applicant (Agent):

Jason Munzel
Munzel Grading & Landscaping
N609 S Hickory Hills Dr.
Oconomowoc, WI 53066

Owner:

SIT Willow Creek LLC
514 Wells St. Ste 1W
Delafield, WI 53018

Location

PIN#: 002-0917-2932-002

Location: Lot 1, Willow Creek Subdivision, located in part of the NW ¼ of the SW ¼, Section 29, Town of Ashippun

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 establishment of a landscaping/tree nursery business at this location.

CONCLUSIONS OF LAW

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

2.3.6.F General Approval Criteria for Conditional Use Permits

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

2.3.6.F.2 Is the project compatible with adjacent uses in terms of scale, site design 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 a 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 business operation shall be conducted without offensive noise, vibration, dust, smoke, odor, glare, lighting or the risk of fire, explosion or other accident and shall not be detrimental to the public health, safety or general welfare of the immediate neighborhood or community;
2. The proposed 30' X 30' parking area and the driveway to the parking area shall be hard surfaced using gravel, asphalt or concrete. The hard surfaced parking/loading area requirement is intended to prevent tracking of soil and mulch material onto the roads.
3. A minimum 8' wide buffer area shall be maintained between the property lines and the proposed tree planting and heeled in holding areas in order to provide adequate drainage around these areas and to provide sufficient work area for the removal and maintenance of the trees in these areas.
4. The applicant shall submit a soil erosion control plan and a stormwater management plan, if applicable, to this Department in accord with Section 7.9 of the Dodge County Land Use Code for review and approval prior to beginning filling, grading or construction on this site;
5. All Federal, state and local municipality permits shall be obtained by the applicant to operate said business prior to beginning operation of the business on this site;
6. The applicant shall submit a County Land Use permit for any proposed buildings or structures or signs to be located on this site prior to beginning construction on this site. State level building plan approvals shall also be obtained, if required, prior to the issuance of the Land Use Permits for the storage buildings;
7. The exterior walls of any buildings located or constructed on this site shall be painted or sided with low reflective, subtle, neutral or earth tone colors;
8. All exterior lighting plans shall meet the functional and security needs of the proposed development without adversely affecting adjacent properties or the community. A lighting plan shall be submitted to this Department for review and approval prior to locating lighting on this site;
9. Any significant change or expansion of the business may require that a new conditional use permit be obtained.
10. The decision of the Committee shall expire one year after the decision is filed with the Department unless construction has been diligently pursued, a Certificate of Zoning Compliance has been issued, the use is established, or the Conditional Use Permit is renewed, for a period not to exceed one year.
11. The Conditional Use Permit shall also expire upon termination of a project or if the rights granted by the permit are discontinued for 180 consecutive days.

Others _____

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

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

Motion second _____

SIT WILLOW CREEK LLC
Town of Ashippun, Sec. 29

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.





DODGE COUNTY
LAND RESOURCES & PARKS DEPARTMENT
 127 E. OAK STREET • JUNEAU, WI 53039
 PHONE: (920) 386-3700 x2 • FAX: (920) 386-3979
 E-MAIL: landresources@co.dodge.wi.us

**CONDITIONAL USE PERMIT
 APPLICATION**

THIS AREA FOR OFFICE USE ONLY	
Activity No. 210033	Permit Issued Date
Application Date: 1/13/2021	Receipt #: 2098-0007
	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) Jason Munzel / Munzel Grading & Landscaping		Parcel Identification Number (PIN) 002-0917-2932-002	
Street Address N609 S Hickory Hills Dr		Town Ashippun	T N R E 09 17
City • State • Zip Code Oconomowoc, WI 53066		1/4 1/4 Section NW SW 29	Acreage Lot (Block)
Property Owner (If different from applicant) SIT Willow Creek LLC		Subdivision or CSM (Volume/Page/Lot) Willow Creek Subdivision	
Street Address 514 Wells St Ste 1W		Address Of Property (DO NOT include City/State/ZipCode) N695 North Ave	
City • State • Zip Code Delafield, WI 53018		Is this property connected to public sewer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
(3) PROPERTY USE		(4) PROPOSED PROJECT	
Current Use Of Property <input checked="" type="checkbox"/> Vacant Property <input type="checkbox"/> Single-Family Residential <input type="checkbox"/> Active-Working Farm Operation <input type="checkbox"/> Business • Industrial • Commercial • (Describe below) Other _____		(Please check/complete all that apply below) <input type="checkbox"/> Non-Farm Residential Lot <input type="checkbox"/> Single Family Residence <input type="checkbox"/> Two-Family Residence <input type="checkbox"/> Multi-Family Residence <input type="checkbox"/> Tavern or Restaurant <input type="checkbox"/> Professional Office <input type="checkbox"/> Non-Metallic Mine/Quarry <input type="checkbox"/> Wind Tower <input checked="" type="checkbox"/> Create/Expand Business <input type="checkbox"/> Wildlife Pond > 2-acres <input type="checkbox"/> Wireless Communications Tower <input type="checkbox"/> Contractor's Offices and Storage Yards <input type="checkbox"/> Filling, Grading or Dredging in the Shoreland District Other: _____	
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 _____ Date 1/12/2021
Digitally signed by Jason Munzel Date: 2021.01.12 16:50:35 -0500

Daytime Contact Number (920) 285 _1165

AREA BELOW THIS LINE FOR OFFICE USE ONLY

LAND RESOURCES AND PARKS COMMITTEE ACTION

Date of Decision _____ Decision _____

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

SITE PLAN (SKETCH)

ATTACH SEPARATE SITE PLAN

See Attached Site Plan (Sketch)

THIS AREA FOR OFFICE USE ONLY

BOA ID No	BOA Appeal Date	BOA P/H Date	BOA Decision Date	BOA Decision
				<input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied

Notes/Stipulations:

<input type="checkbox"/> Approved <input type="checkbox"/> Denied	Land Resources and Parks Department _____	Date _____
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1/12/2021

To Whom It May Concern:

Please find attached an application for a conditional use permit for Lot 1 in the Willow Creek Subdivision, located at N695 North Avenue, on the southeast corner of the intersection of Hwy 67 and Hwy O in the Town of Ashippun.

As many are aware, this lot has been the source of much controversy over the past several years. It is zoned as C-2 Extensive Commercial but located at the entrance to one of the Town of Ashippun's nicest subdivisions. The residents of the subdivision have been outspoken about not wanting something built on this property that would decrease the value of their properties, and the Town would also prefer to not see anything built there that would detract from the appearance and values of the area. At the same time, the property owner has a right to use the property as allowed under the associated zoning regulations.

As both a resident of the subdivision and an investor/entrepreneur, I am proposing a use for this property that would strike a balance with all interested parties. The ideal scenario as expressed by residents of the subdivision would be for the property to remain vacant, perhaps purchased by the subdivision, but the Home Owner's Association is not in a position to acquire the property for this purpose, and nobody else in the subdivision has stepped forward to do so either. As such, I am proposing creating, and requesting a conditional use permit for, a landscape business consisting primarily of a tree nursery focused on retail sales. I believe that this would be the "least undesirable" commercial use for this property as it relates to the residents of the subdivision, as it should help to maintain the "park-like" feel of the area, minimize structures and traffic, require little or no lighting, etc. At the same time, it puts the property into use and helps support the economy of the area.

The Use Regulations in Chapter 6 of the Dodge County Land Use Code make several references to tree and plant nurseries. It references two general types of classifications for such businesses – those that are devoted primarily to raising plants and those that are oriented towards retail sales. Per 6.1.4.G.3 of the Code, "Tree and plant nurseries and greenhouses devoted primarily to raising plants rather than on-site retail sales are classified as horticulture". Also, per 6.1.6.C.4.b, "Plant and tree nurseries and greenhouses are classified as Horticulture". According to Table 3.6-1 of the Code, the only zoning district where Tree Nurseries when classified as Horticulture are allowed under any type of use is A-2. However, 6.1.6.E.4 of the Code states that "Plant and tree nurseries that are oriented toward retail sales are classified as Landscape Business.". In addition, 6.1.4.M.4.d of the Code goes on to say that "The sale of outdoor plantings and related accessory items is classified as Landscape Businesses". Per Table 3.6-1 of the Code, a Landscape Business is allowed under a conditional use permit.

As shown on the included site plan, the proposed use of the property would include primarily storing heeled in nursery stock for retail sales. A portion of the site would also be dedicated to growing nursery stock on-site for future retail sale. If the business is successful enough, a building may be constructed in the future for storage of equipment and supplies. In the interim, a portable storage building may be utilized for said storage. Any such building or structure would be positioned as far away from adjacent

property owners as possible while still maintaining required setbacks, as shown on the site plan. Initially, no hard surfaces would be created and as such there should not be any issues with water retention, as the property does not currently have any issues. If there are any issues with runoff to adjacent properties that exist today, those issues could potentially be addressed through minor grading.

One of the concerns about previous proposed uses for this property was the compatibility with adjacent uses, specifically in terms of scale, site design, and operating characteristics, as addressed in 2.3.6.F.2 of the Code. The intention with this proposed use would be to make it as compatible as possible with adjacent uses.

In terms of scale and site design, any structure that would be placed or erected on the property would be proportionally smaller as compared to the overall property than the adjacent uses, as even a structure as large as 50'x100' would be only two to three times the size of adjacent structures, while the property itself is approximately six times the size of adjacent properties. The attached site plan shows the general idea of how the site would be laid out – note that exact dimensions and location of each area are subject to change as the site is built out and evolves.

In terms of hours of operation, the proposed use would keep operating hours to an absolute minimum. The business would be run “by appointment only” as much as possible, and if at some point regular operating hours were required, they would be kept as limited as possible and at times that were as least intrusive to adjacent properties as possible, such as early evenings a couple of nights a week and perhaps mornings and early afternoons on Saturdays. Beyond this, the only activities that would take place would be those required to unload deliveries of nursery stock, maintain the property (i.e. mowing), and maintain the nursery stock (i.e. pruning, watering, mowing, etc.)

In terms of traffic generation, given the intended operating hours, the proposed use should be less than the traffic generation of adjacent properties, and should be far less than most other uses that would be considered allowed under the C-2 Extensive Commercial zoning.

In terms of lighting, because of the type of business, this should be able to be kept to a minimum. If a storage building or structure is erected, some lighting would be required for this, but only enough to light the perimeter of the building, similar to the exterior lighting on adjacent homes. Some motion-triggered lighting may be required for security purposes.

In terms of noise, the only noise that the proposed use would generate would be from equipment operated on the property to move nursery stock and maintain the property (mowing, spraying weeds, spraying trees, watering trees, etc.). This would be done using a compact utility tractor, garden tractor, UTV, or ATV – all equipment that is already operated in the area and nothing that creates an excessive amount of noise.

In terms of odor, there should be no unpleasant odors associated with the operation of the business.

In terms of dust, this should be kept to an absolute minimum. The intention is to maintain grass in any open areas, with areas around trees as well as high-traffic areas covered in mulch to minimize dirt and dust while still allowing penetration of rain into the soil.

As required by 2.3.6.F.3 of the Code, the proposed use as a Landscape Business / Tree Nursery should not have any adverse impact to the public health, safety, or welfare.

Another concern of previous proposed uses was the potential to significantly decrease the property values of properties in the area as addressed in 2.3.6.F.4 of the Code. The proposed use will result in an open, park-like feel for the adjacent property owners, while maintaining the views that they have become accustomed to. In addition, it will result in the property being maintained, whereas previously it had been left completely unmanaged, with weeds and brush overtaking most of the property in recent years. The strategic placement of planted trees on the south side of the property will effectively create a buffer between adjacent properties and the activities related to selling heeled in trees. The only activities required in this area will be regular mowing as well as occasional spraying and pruning of the trees.

As required by 2.3.6.F.5 of the Code, the proposed use should require minimal use of public safety, transportation, and utility facilities and services. Crime should not be an issue. Sufficient transportation facilities already exist to the site. Utilities, including gas, electricity, and sanitary sewer are already on the site, but would only be required if a building was constructed, and only minimal use would be required.

As required by 2.3.6.F.6 of the Code, the applicant assures that the property would be maintained in a presentable form at all times. This has already been demonstrated through the improved maintenance of the other properties the applicant owns in the subdivision as well as the cleanup work that has already been done by the applicant at the proposed site.

As required by 2.3.6.F.7 of the code, the proposed use should have no adverse impacts on the natural environment. The proposed use includes little or no hard surfaces and does not change the existing drainage or runoff in any way. If necessary, light grading could be done to ensure there is no runoff to adjacent properties, but this should not be a significant issue.

As required by 2.3.6.F.8, the proposed use is not located in any hazard areas, including floodplains, floodways, etc.

As you can see, the proposed use meets the requirements for a conditional use permit, provides minimal impact to adjacent properties, and puts the property into use, in a manner that should have little or no controversy. With that said, I respectfully request that you grant me a conditional use permit for the use proposed above and as described on the attached Conditional Use Permit application.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Munzel', with a stylized flourish at the end.

Jason Munzel

N609 S Hickory Hills Dr.

Oconomowoc, WI 53066



Giebel, Joe

From: Jason Munzel <munzelj@hotmail.com>
Sent: Friday, January 15, 2021 7:25 AM
To: Giebel, Joe
Cc: Pasewald, Kristopher
Subject: RE: Conditional use permit application - Additional information needed

EXTERNAL EMAIL: Verify sender before opening links and attachments.

Hi Joe,

These are all great questions. I'll preface my answers by saying that I'm very open to dialogue on what makes sense, what would be desirable from the county and town's sense, etc. Also, the plan would be to scale up operations as revenue comes in, starting out fairly basic and if the business is successful, reinvesting returns to improve the site.

Regarding your questions:

- 1) At this time it would likely be just myself (part-time) plus my son (also part-time). If it is successful and grows, I could see another part-time person or two. The majority of the work would revolve around mowing and watering.
- 2) The goal would be to drive most of the sales through online marketing, i.e. social media and perhaps a website. This is definitely a non-traditional model for this type of business, but I have experience working with another larger business that uses this type of model and it has proven to be very successful. If I offered any "regular operating hours", it would be at times where I was already going to be onsite mowing, watering, etc., i.e. perhaps one night a week plus a shorter block of time on Saturday or Sunday. As far as a building or shed, that would be based on the success of the business. Initially I would operate with no structures. A storage shed would be handy to store basic supplies, but I would likely wait at least a year before constructing anything like that. If the business is successful enough in the 2-3 year range, a well may become necessary, at which point I would need either a shed or building to house the plumbing, electricity, etc. Longer-term (perhaps in the 5-10 year range), I could see constructing a larger building to store equipment, trailers, etc. as well as perhaps a small office.
- 3) Much like the idea of a building, the loading and unloading area would evolve over time. It would definitely be usable as a parking area, though, yes – the "loading" refers to loading customers. It would really only need to accommodate two or three vehicles at a time, and allow for a vehicle with a trailer to turn around. I could see this area being perhaps 30'x30', though I would wait to see how large of an area ends up being used before finalizing that size. I am open to feedback if the county or town have a minimum or maximum size they are comfortable with. Initially, the property could likely be used as-is, with the area left as grass. It might make sense to put in a gravel drive between the sidewalk and curb just to make the entry point obvious and keep up the appearance. If the business generates sufficient activity, at some point the grass may die off and that area would then likely turn to dirt. The quick solution to that would be to cover it with mulch. Longer-term, it may make sense or be necessary to have the full loading and unloading area be gravel. I don't at this point foresee ever paving or pouring a concrete drive, though.
- 4) I do not foresee any hard surface access roads. If the loading/unloading area was covered with gravel, it would be logical to make the driveway from the road be gravel as well.
- 5) I secured a one year lease last Fall to hold the property, with a termination clause in it if the conditional use permit is not approved. I also secured a four year option to purchase the property. The idea would be to lease the property for up to four years, and if the business is successful, exercise the option to purchase. That is a big part of the idea behind slowly ramping up operations – I wouldn't want to make any permanent alterations or significant investments until I owned the property outright.

- 6) I don't foresee storing any hazardous waste on the site. The only chemicals that would ever need to be stored would be the same types of chemicals used on residential properties – herbicides and fungicides. If these were ever stored onsite, they would only be stored in small quantities and would be inside of a locked structure.
- 7) The signs were put on the site plan as placeholders – I am not sure I would need both of them. It may make more sense to have one sign closer to the road. I would envision something in the range of 3x5 to 4x8, advertising the business name, trees for sale, and contact information. Construction would presumably just be two posts with a wood/composite sign in between. If the business is successful I could potentially see putting up something nicer. Again, I'm very open to feedback here. I am familiar with the sign requirements as defined in section 8.9.3.C of the Dodge County code and understand that a land use permit would be required for anything other than a temporary sign of 32 square feet or less.

Again, I'm open to discussion on pretty much all of this. I wanted to get a detailed enough plan put together for you to have an idea of what I am proposing, but would be happy to discuss further and take any recommendations you have.

Thanks,

Jason

From: Giebel, Joe [mailto:JGiebel@co.dodge.wi.us]
Sent: Thursday, January 14, 2021 1:49 PM
To: munzelj@hotmail.com
Cc: Pasewald, Kristopher <kpasewald@co.dodge.wi.us>
Subject: Conditional use permit application - Additional information needed
Importance: High

Jason,

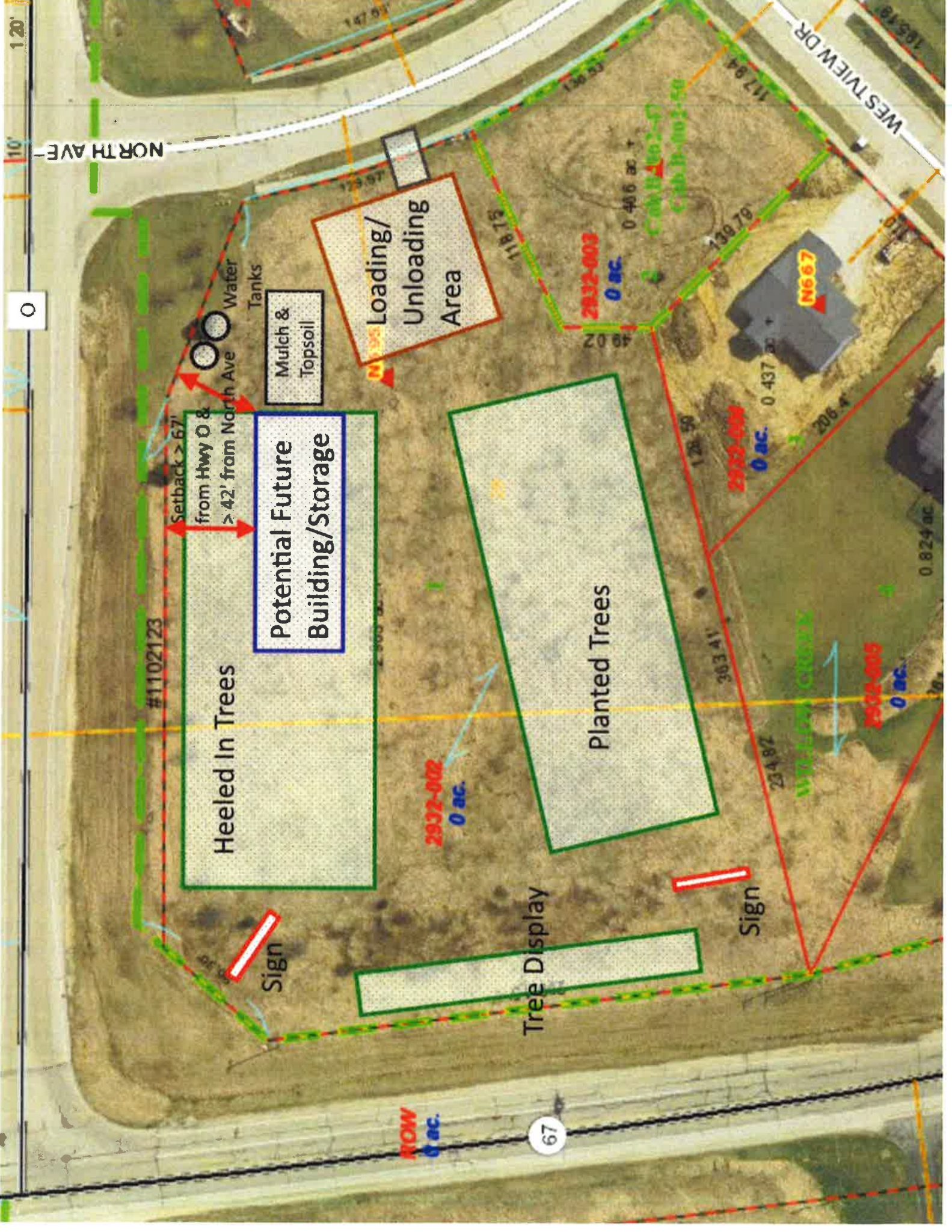
Please provide the following information regarding the proposed landscaping/nursery business:

1. How many full-time and part time employees are proposed.
2. Please provide additional information on how the sales portion of the business will be handled. You mention in your application that initially business transactions will be by appointment only and as the business grows, you may locate a building or shed on the property for storage purposes.
3. Please provide a more detailed description for the loading and unloading area. What is the proposed size of this area. Can it also be used as a parking lot area? Will this area be a hard surfaced area? A grassed area? A mulched area? Will the driveway to this area be paved?
4. Will there be any hard surfaced access roads or driveways on the site?
5. Are you intending to purchase the property or lease/rent it?
6. Will any hazardous waste or chemicals be stored on the property? If yes, then please provide details on where and how they are handled and stored, etc.
7. Please provide additional information on the proposed signs.

If you have any questions, please let me know.

Joseph Giebel
Manager – Code Administration
Dodge County Land Resources and Parks Department

This email and any files transmitted with it are private and may contain privileged information intended solely for the use of the individual(s) or entity(s) to whom they are addressed. If you have received this



0

NORTH AVE

Water Tanks

Mulch & Topsoil

Loading/Unloading Area

Potential Future Building/Storage

Heeled In Trees

Planted Trees

Tree Display

Sign

Sign

#1102123

Setback > 67' from Hwy 0 & > 42' from North Ave

2932-002 0 ac.

2932-003 0 ac.

2932-004 0 ac.

2932-005 0 ac.

ROW 0 ac.

67

WWW.EFFS.COM

N667

WESTVIEW DR

0.824 ac

0.437 ac

0.406 ac

206.4

128.50

303.41

234.87

139.78

118.75

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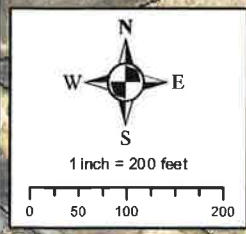
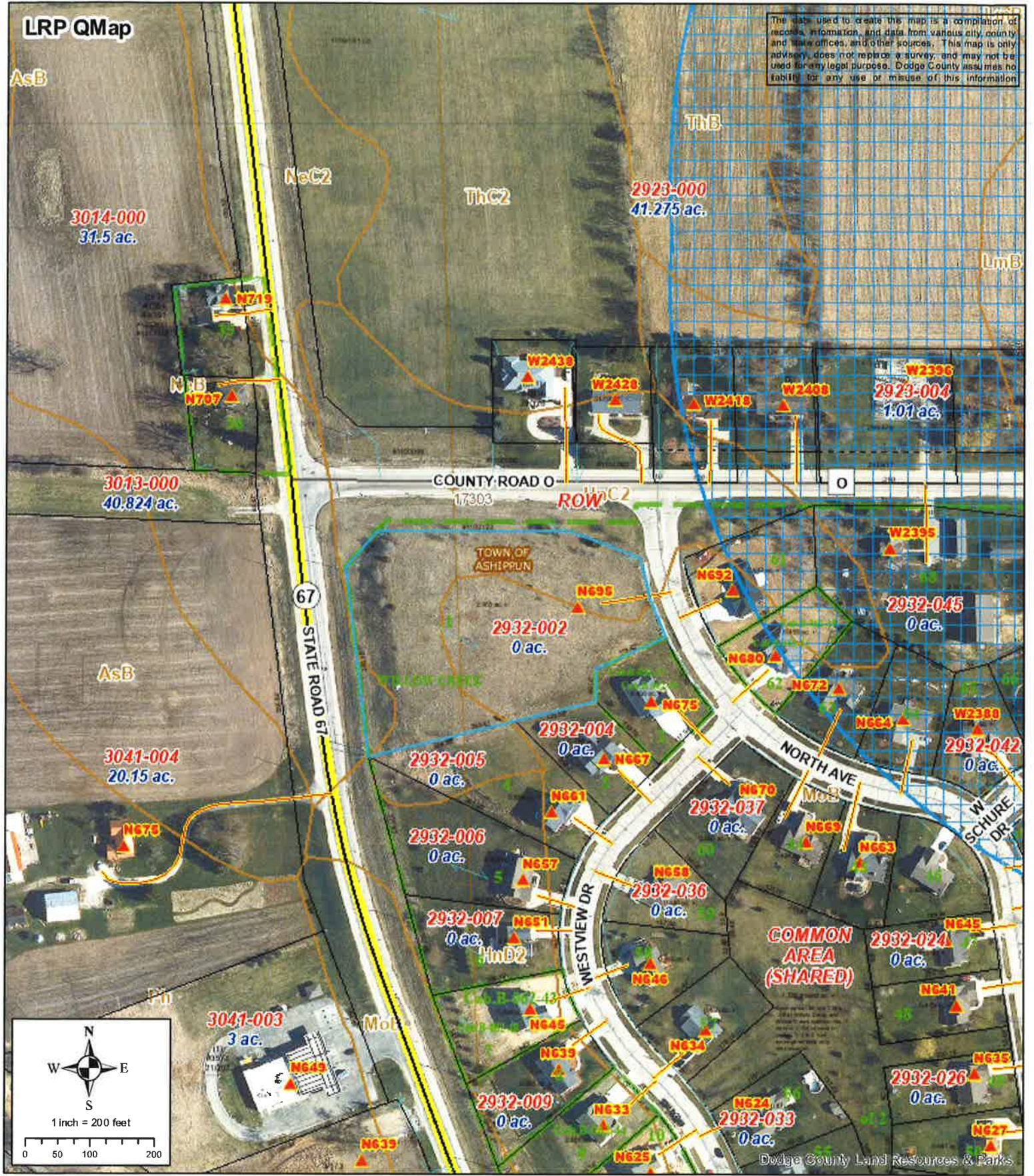
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LRP QMap

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.



General	WI Historical Society	Floodplain / Wetland	County Zoning
Urbanized Roads	Historic Structures	FEMA Floodplain/Storage/Dam Shadow	Planned Unit Development
Soils	Archaeological Sites	DNR Wetland Areas/Points	Hartford Extraterritorial
Airport Ordinance 3-Mile Buffer	Survey Areas	Shoreland Zoning	General Agricultural
Sewer Service Areas	Non-Metallic Mining	Shoreland Zoning Buffer	Prime Agricultural
Highly Developed Shoreline	Active Mining Area	Lakes/Ponds/Sloughs	One Family Residential
Elevation Contours	Approved Mining Area	Rivers/Streams/Creeks	Two Family Residential
	Mine Property Boundaries		Multi-Family Residential
			General Commercial
			Extensive Commercial
			Light Industrial
			Industrial
			Waterbody
			ROW/City/Village

Land Resources and Parks Department Staff Report

County Conditional Use Permit Application # 2021-0036

Filing Date: January 13, 2021

Hearing Date: February 15, 2021

Applicant (Agent):

Pat Cardiff
Grande Cheese Company
N11689 Dairy Road
Brownsville, WI 53006

Owner:

Grande Cheese Company
250 Camelot Dr
Fond Du Lac, WI 54935-8029

Location

PIN#: 028-1316-1111-001; 028-1316-1222-001;

Location: Part of the NE ¼ of the NE ¼, Section 11, and part of the NW ¼ of the NW ¼, Section 12, Town of Leroy, the site address being N11689 Dairy Road.

Applicants Request

An application for a County Conditional Use Permit under the Dodge County Land Use Code, was made by the Grande Cheese Company to allow for the expansion of the cheese and whey production facility, the renovation of the existing office space and the addition of a new milk receiving bay along the east side of Dairy Road.

Project Details

The expansion project will provide space for additional cheese production capacity for their fresh cheese product line, renovated office space and a new milk receiving bay on the east side of Dairy Road. The parking lot along the east side of Dairy Road will also be reconfigured to contain 143 parking spaces. The plant operates 24/7/365 days a year. The additional cheese production will be added over time as the business grows. The total increase in employees would be 34 spread between four teams, or approximately 8 per shift. The outside of the new buildings will be lit with downward directed lights every 25 feet around the perimeter and downward directed lights will be added in the parking lot area. The process water and waste water generated from the added production line will be handled by the existing waste water treatment plant. The plant renewed their WPDES permit and the new production is included in the permit process. The sanitary waste will go into the existing septic system that has been verified to have enough capacity by Bernhard Plumbing. The new employees will use the parking lot to the east of the plant. No additional signs will be added. No additional external tanks will be added for chemical storage. Chemicals for cleaning and utilities will be handled with existing systems. A new milk receiving building is planned along the east side of Dairy Road. The proposed receiving bay will include an overhead utility bridge over Dairy Road to allow the transfer of the milk and waste products between the buildings and also to house the utility lines.

The facility has a current Storm Water Pollution Prevention Plan and it is currently being updated to include the additional building and paved areas. A storm water retention pond will be used to capture and treat the increased storm water flow from the site. An updated stormwater management plan and an erosion control plan will be submitted with the required land use permits for the proposed construction projects. All disturbed areas will be graded and seeded to meet the code requirements. Grande is currently working with the DNR on storm water permits, waste water permits, and air emission permits. Grande is also working with Wisconsin

Department of Safety and Professional Service on pressure vessel permitting. Grande will be working with the local emergency response departments to update their plans once they are finalized.

An application for a variance request has also been submitted to the county by the applicant with a request for a variance to the terms of the highway setback provisions of the Dodge County Land Use Code to allow the construction of a processing building and the utility bridge to be located within the required highway setback lines of Dairy Road. The utility bridge supports will be located approximately 31' within the required highway setback lines of Dairy Road and the bridge will be located over Dairy Road. In addition, the proposed processing building will be located approximately 7' within the required setback for Dairy Road. The Board of Adjustment will meet to review the variance requests on February 18, 2021.

County Jurisdiction

The County has Zoning Jurisdiction over this site as the Town of Leroy 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. The Committee shall authorize the Land Use Administrator to issue a Conditional Use Permit (CUP) for conditional uses after review and a public hearing, provided that such conditional uses or structure are found to be in accordance with the purpose and intent of this Code and the approval criteria provided in Section 2.3.6.F and are found not to be hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the area.

Land Use Code Provisions:

1. Section 3.6 and Table 3.6-1 of the Land Use Code identifies "Food Processing" as a conditional use in the I-2 Industrial Zoning District.

Purpose Statement

The purpose of the I-2 Industrial District is to promote areas for manufacturing and other industrial or non-industrial uses which may produce smoke, odors, noise, health hazards, traffic congestion, or might otherwise be considered offensive by a significant portion of the population, 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 Leroy has adopted the County's Land Use Code. The site is located within the I-2 Industrial Zoning District.

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

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

Land Use, Site: Cheese and whey production facility, parking lot and wastewater treatment facility.

Land Use, Area: Agricultural with scattered residences along Dairy Road and State Road 49.

Designated Archaeological Site: Yes No

No additional landscaping plans have been proposed for this expansion project.

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 of the code. The staff comments are listed in Exhibit A for review by the committee.

It is the staff's position that the proposed expansion of the food processing use of this property is in compliance with the applicable zoning provisions of the Dodge County Land Use Code and the staff believes that the Committee will be able to make the findings necessary under Section 2.3.6.F of the code that are required to approve the Conditional Use Permit to allow expansion of the facility on this site. If approved with the following conditions, the staff believes that the project will not have an adverse effect on the adjacent land owners, the community or the environment and the proposal will be consistent with the purpose and intent of the Code.

CONDITIONS:

1. The business operation shall be conducted without offensive noise, vibration, dust, smoke, odor, glare, lighting or the risk of fire, explosion or other accident and shall not be detrimental to the public health, safety, or general welfare of the immediate neighborhood or community.
2. All Federal, State, County and Local Municipality permits and approvals required for the proposed structures on this site shall be obtained for said projects prior to beginning construction.
3. Approval of the required County variance requests to allow the construction of the proposed facilities within the highway setback lines shall be obtained prior to issuance of a County Land Use permit and prior to the location of said structures within the required setback lines. Or, if the variance is not granted, the proposed construction plans shall be modified to bring the proposed facilities into compliance with the applicable Code requirements.
4. State approved building plans shall be obtained, if required, for the proposed structures prior to the issuance of the County Land Use Permit for the construction of the facilities on this site.
5. A storm water management and erosion control plan for this development project shall be submitted to the Department for review and approval prior to beginning any earth moving or construction on this site and prior to the issuance of the Land Use Permit.
6. All exterior lighting plans shall meet the functional and security needs of the proposed development without adversely affecting adjacent properties or the community.
7. Any significant change or expansion of the facilities on this site may require that a new conditional use permit be obtained.
8. The decision of the Committee shall expire one year after the decision is filed with the Department unless construction has been diligently pursued, a Certificate of Zoning Compliance has been issued, the use is established, or the Conditional Use Permit is renewed, for a period not to exceed one year.
9. The Conditional Use Permit shall also expire upon termination of a project or if the rights granted by the permit are discontinued for 180 consecutive days.

EXHIBIT A

Staff Review Comments

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

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

- The Grande Cheese facility has been in operation at this location for many years and the use of the facility has been found to be compatible with the adjacent uses. It is the staff's position that if the proposed new facilities are constructed and operated in compliance with the development standards of the code and the overhead utility bridge is constructed in compliance with the applicable Wisconsin Department of Transportation standards, the proposed expansion plans will be compatible with the adjacent uses;

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

- It is the staff's position that if the structures are constructed in compliance with the development standards of the code and the overhead utility bridge is constructed in accord with the Wisconsin Department of Transportation construction standards 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 project will not have an adverse impact on the value of other property in the area;

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

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

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

- It is the staff's position that there adequate assurances of continuing maintenance for the projects and property;

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 any potential significant adverse impacts on the natural environment will be mitigated to the maximum practical extent provided the structures are constructed in compliance with the applicable codes.

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

- It is the staff's position that the proposed projects 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 projects will be required to comply with the applicable provisions of the code. The applicant will also be required to obtain the required state, county and local permits and approvals for the proposed development projects prior starting construction of the proposed facilities.

Dodge County Land Resources and Parks Committee Decision

County Conditional Use Permit Application # 2021-0036

Filing Date: January 13, 2021

Hearing Date: February 15, 2021

Applicant (Agent):

Pat Cardiff
Grande Cheese Company
N11689 Dairy Road
Brownsville, WI 53006

Owner:

Grande Cheese Company
250 Camelot Dr.
Fond Du Lac, WI 54935-8029

Location

PIN#: 028-1316-1111-001; 028-1316-1222-001;
Location: Part of the NE ¼ of the NE ¼, Section 11, and part of the NW ¼ of the NW ¼, Section 12, Town of Leroy, the site address being N11689 Dairy Road.

Applicants Request

An application for a County Conditional Use Permit under the Dodge County Land Use Code, was made by the Grade Cheese Company to allow for the expansion of the cheese and whey production facility, the renovation of the existing office space and the addition of a new milk receiving bay along the east side of Dairy Road.

CONCLUSIONS OF LAW

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

2.3.6.F General Approval Criteria for Conditional Use Permits

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

2.3.6.F.2 Is the project compatible with adjacent uses in terms of scale, site design 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 a 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 business operation shall be conducted without offensive noise, vibration, dust, smoke, odor, glare, lighting or the risk of fire, explosion or other accident and shall not be detrimental to the public health, safety, or general welfare of the immediate neighborhood or community.
2. All Federal, State, County and Local Municipality permits and approvals required for the proposed structures on this site shall be obtained for said projects prior to beginning construction.
3. Approval of the required County variance requests to allow the construction of the proposed facilities within the highway setback lines shall be obtained prior to issuance of a County Land Use permit and prior to the location of said structures within the required setback lines. Or, if the variance is not granted, the proposed construction plans shall be modified to bring the proposed facilities into compliance with the applicable Code requirements.
4. State approved building plans shall be obtained, if required, for the proposed structures prior to the issuance of the County Land Use Permit for the construction of the facilities on this site.
5. A storm water management and erosion control plan for this development project shall be submitted to the Department for review and approval prior to beginning any earth moving or construction on this site and prior to the issuance of the Land Use Permit.
6. All exterior lighting plans shall meet the functional and security needs of the proposed development without adversely affecting adjacent properties or the community.
7. Any significant change or expansion of the facilities on this site may require that a new conditional use permit be obtained.
8. The decision of the Committee shall expire one year after the decision is filed with the Department unless construction has been diligently pursued, a Certificate of Zoning Compliance has been issued, the use is established, or the Conditional Use Permit is renewed, for a period not to exceed one year.
9. The Conditional Use Permit shall also expire upon termination of a project or if the rights granted by the permit are discontinued for 180 consecutive days.

Others

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

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

Motion second _____

Vote

Allen Behl	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Mary Bobholz	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Travis Schultz	<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.

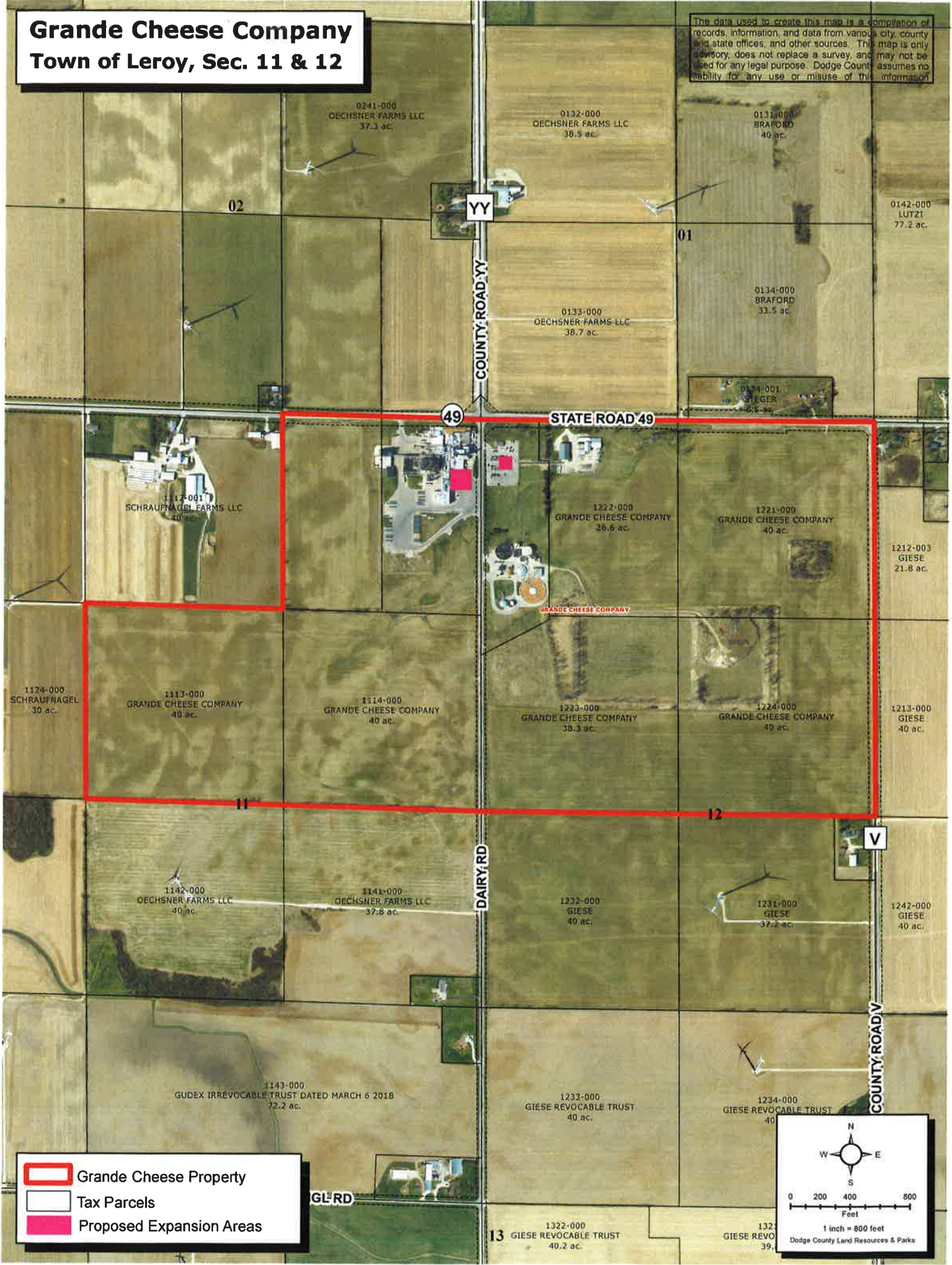
Dodge County Land Resources and Parks Committee

Signed _____ Attest _____
Chairperson Secretary

Dated: _____ Filed: _____

Grande Cheese Company Town of Leroy, Sec. 11 & 12

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.



- Grande Cheese Property
- Tax Parcels
- Proposed Expansion Areas

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 x2 • FAX: (920) 386-3979
 E-MAIL: landresources@co.dodge.wi.us

CONDITIONAL USE PERMIT
APPLICATION

THIS AREA FOR OFFICE USE ONLY	
Activity No. 210036	Permit Issued Date
Application Date: 1-13-2021	Receipt #: 2098-0010
	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) Grande Cheese Company	Parcel Identification Number (PIN) 028-1316-1111-001 and 028-1316-1222-001	
Street Address N11689 Dairy Road	Town Leroy	T N R E 13N 16E
City • State • ZipCode Brownsville WI 53006	NE ^{1/4} NE ^{1/4} Section 11	Acres 20.050
Property Owner (If different from applicant)	Subdivision or CSM (Volume/Page/Lot)	
Street Address 250 Camelot Drive	Address Of Property (DO NOT include City/State/ZipCode)	
City • State • ZipCode Fond du Lac, WI 54935-8029	Is this property connected to public sewer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

(3) PROPERTY USE	(4) PROPOSED PROJECT
<p align="center">Current Use Of Property</p> <input type="checkbox"/> Vacant Property <input type="checkbox"/> Single-Family Residential <input type="checkbox"/> Active-Working Farm Operation <input checked="" type="checkbox"/> Business • Industrial • Commercial • (Describe below) Other <u>Cheese and whey manufacturing</u>	<p align="center">(Please check/complete all that apply below)</p> <input type="checkbox"/> Non-Farm Residential Lot <input type="checkbox"/> Single Family Residence <input type="checkbox"/> Two-Family Residence <input type="checkbox"/> Multi-Family Residence <input type="checkbox"/> Tavern or Restaurant <input type="checkbox"/> Professional Office <input type="checkbox"/> Non-Metallic Mine/Quarry <input type="checkbox"/> Wind Tower <input checked="" type="checkbox"/> Create/Expand Business <input type="checkbox"/> Wildlife Pond > 2-acres <input type="checkbox"/> Wireless Communications Tower <input type="checkbox"/> Contractor's Offices and Storage Yards <input type="checkbox"/> Filling, Grading or Dredging in the Shoreland District Other: _____
DNR Notice	
<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 *Dot Carls* Date 1/12/2021

Daytime Contact Number (920) 948 5428

AREA BELOW THIS LINE FOR OFFICE USE ONLY

LAND RESOURCES AND PARKS COMMITTEE ACTION

Date of Decision _____ Decision _____

- APPROVED
 DENIED

CONDITIONS

Land Resources and Parks Department

Date: _____

SITE PLAN (SKETCH)

ATTACH SEPARATE SITE PLAN

See Attached Site Plan (Sketch)

THIS AREA FOR OFFICE USE ONLY

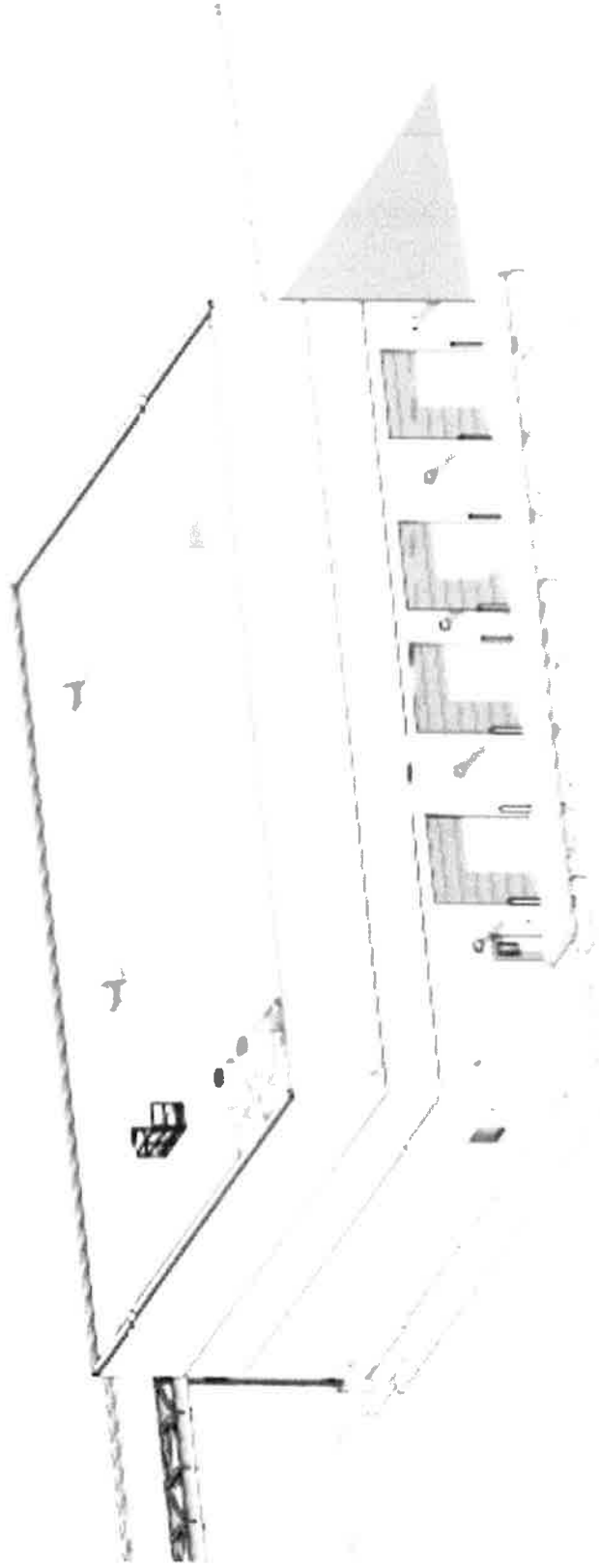
BOA ID No.	BOA Appeal Date	BOA P/H Date	BOA Decision Date	BOA Decision <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied
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Notes/Stipulations:

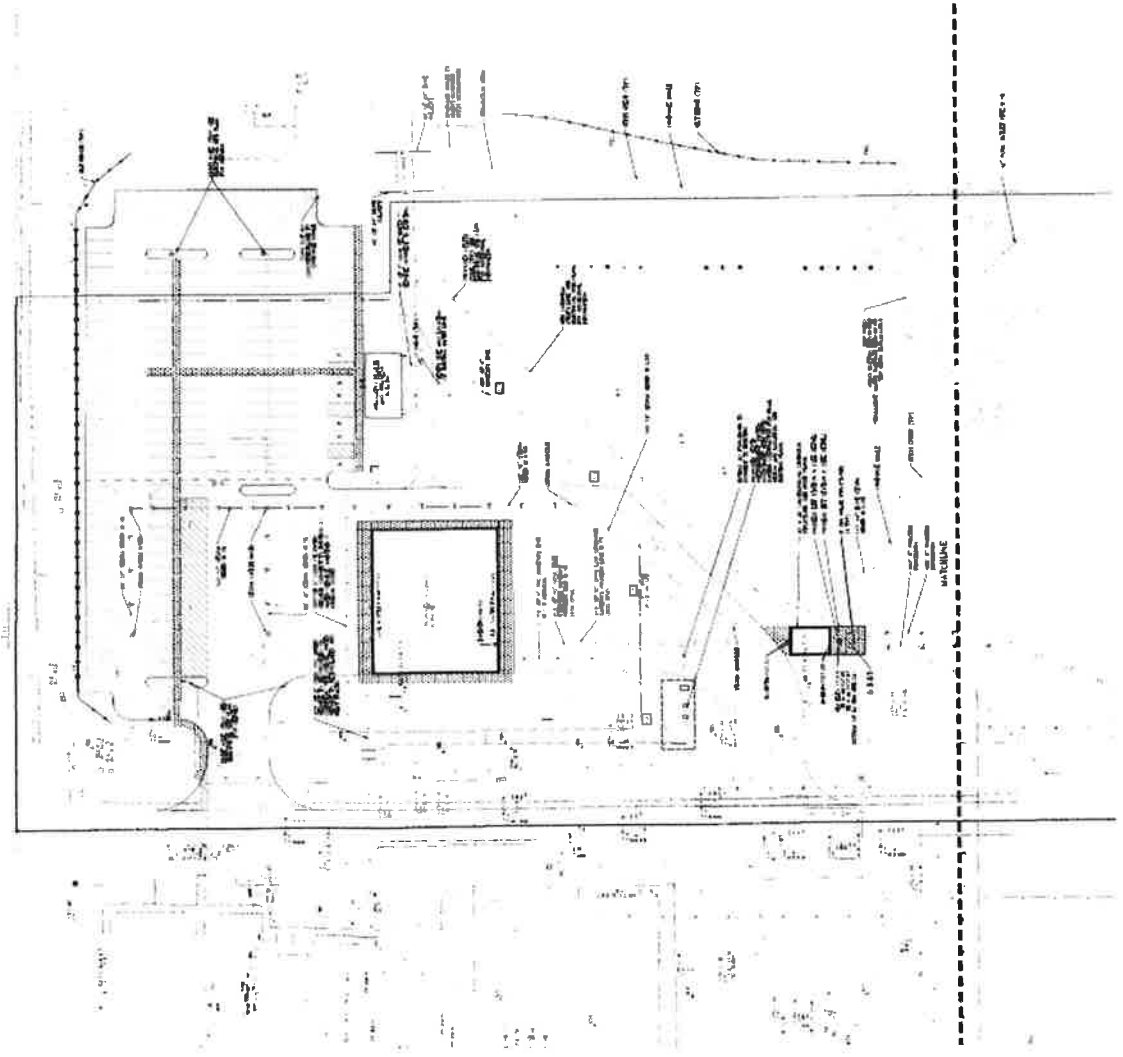
<input type="checkbox"/> Approved <input type="checkbox"/> Denied	Land Resources and Parks Department _____	Date _____
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Grande Cheese Company Conditional Use Application Checklist

1. Business Owner and Owner of Site are the same:
 - a. Grande Cheese Company, 250 Camelot Drive, Fond du Lac, WI 54935, Patrick Cardiff, 920 948-5428
2. The expansion will be on parcel 028-1316-1111-001 located at N11689 Dairy Road and parcel 028-1316-1222-001. The Brownsville plant is in the Town of Leroy. Grande owns 279.9 continuous acres around the site. The expansion is in part of the 99.7 acres that are zoned Industrial I-2. The building below is the concept of what the new milk receiving building will look like.



Electrical easement and electrical line change, flows to the storm water pond, and silt fence for erosion control during construction.



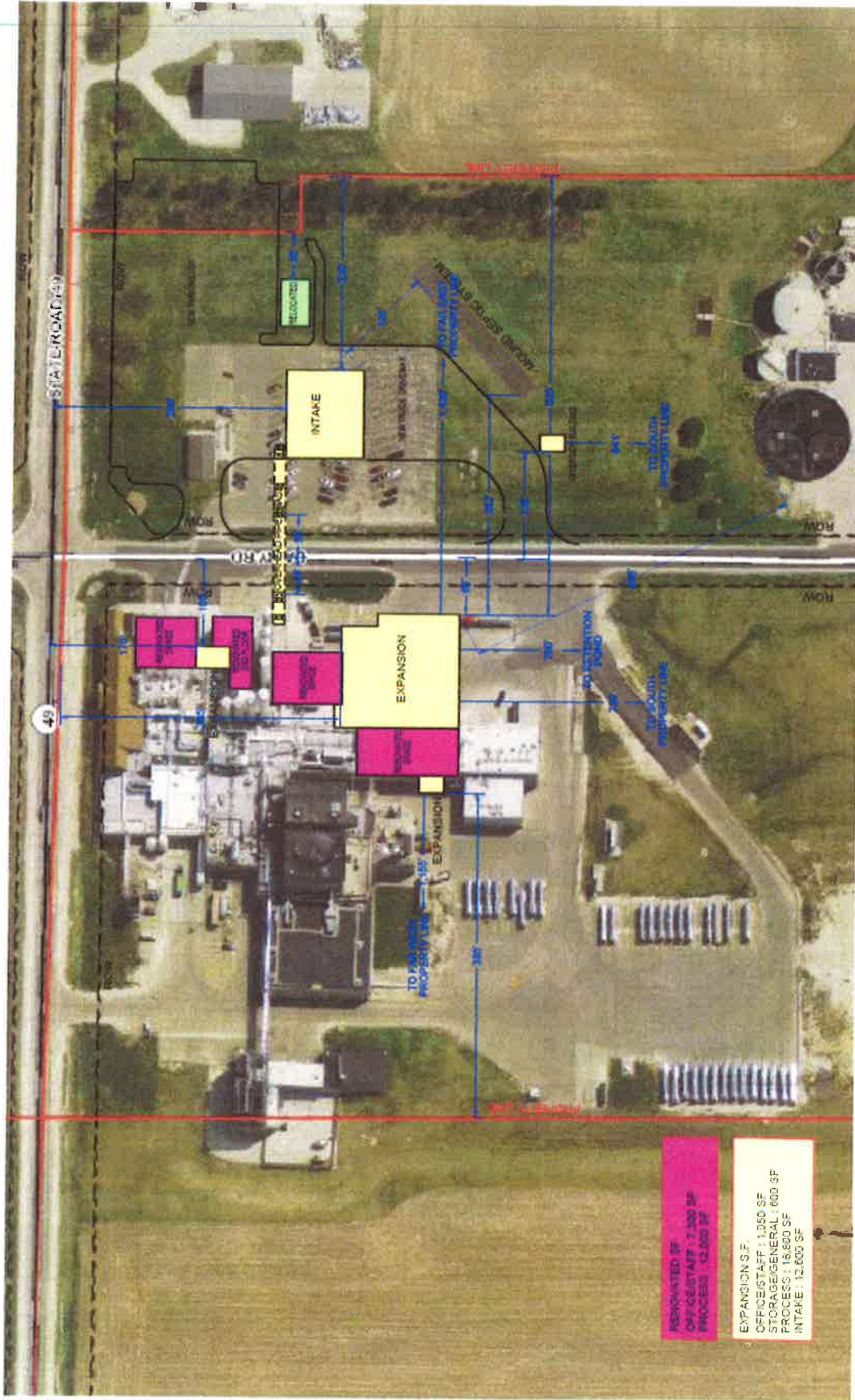
3. Aerial photograph of the site



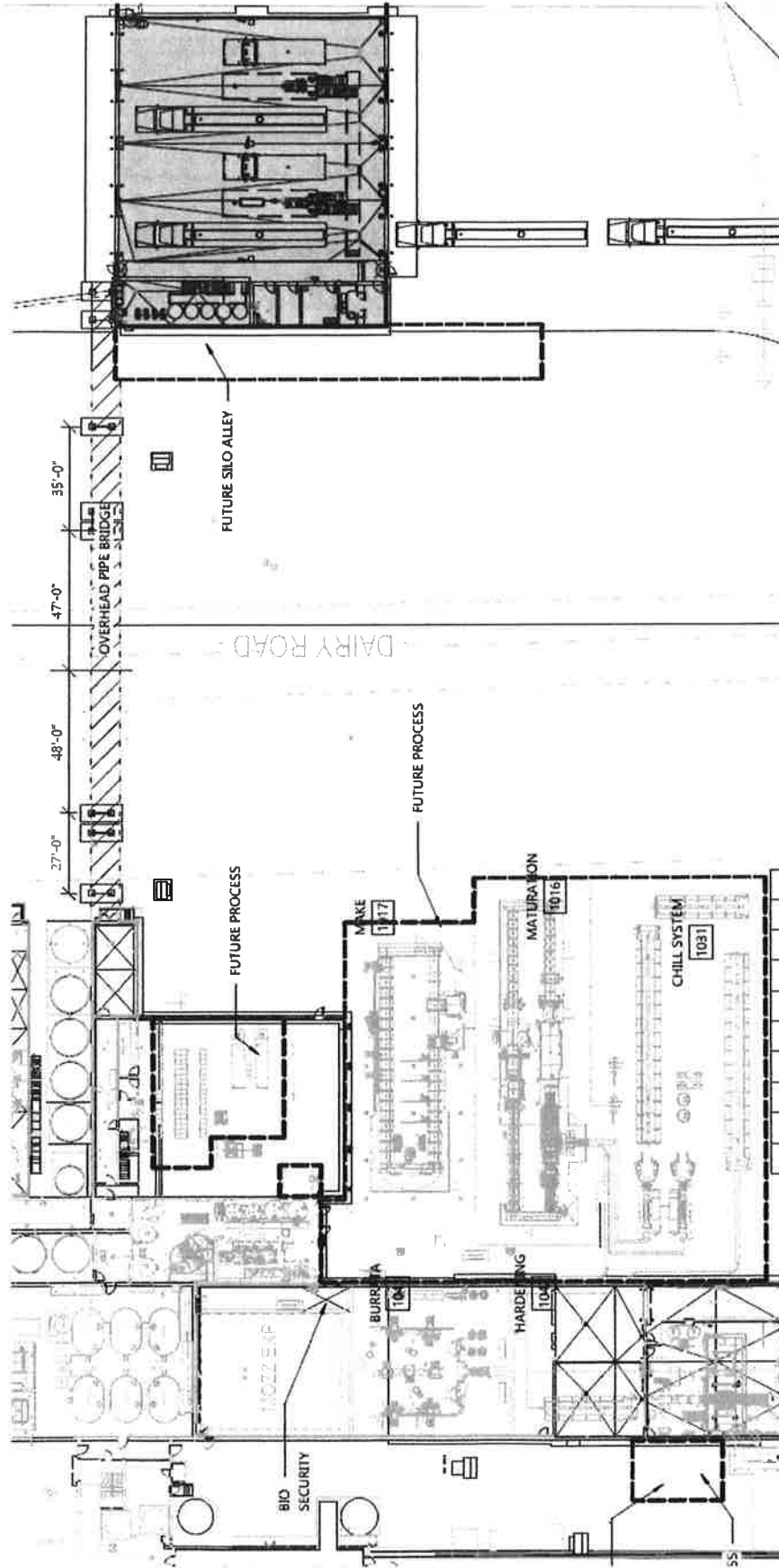


parcel	acres	zoning
028-1316-1224-000	40.00	A-2
028-1316-1223-000	38.26	20 acres A-2 and rest I-2
028-1316-1222-001	14.84	I-2
028-1316-1222-000	26.60	I-2
028-1316-1221-000	40.00	A-2
028-1316-1114-000	40.00	A-1
028-1316-1113-000	40.00	A-1
028-1316-1111-001	20.05	I-2
028-1316-1111-000	19.95	I-2
Total Acres	279.70	
A-1 Prime Agriculture	80.00	
A-2 General Agriculture	100.00	
I-2 Industrial	99.70	
Total Acres	279.70	

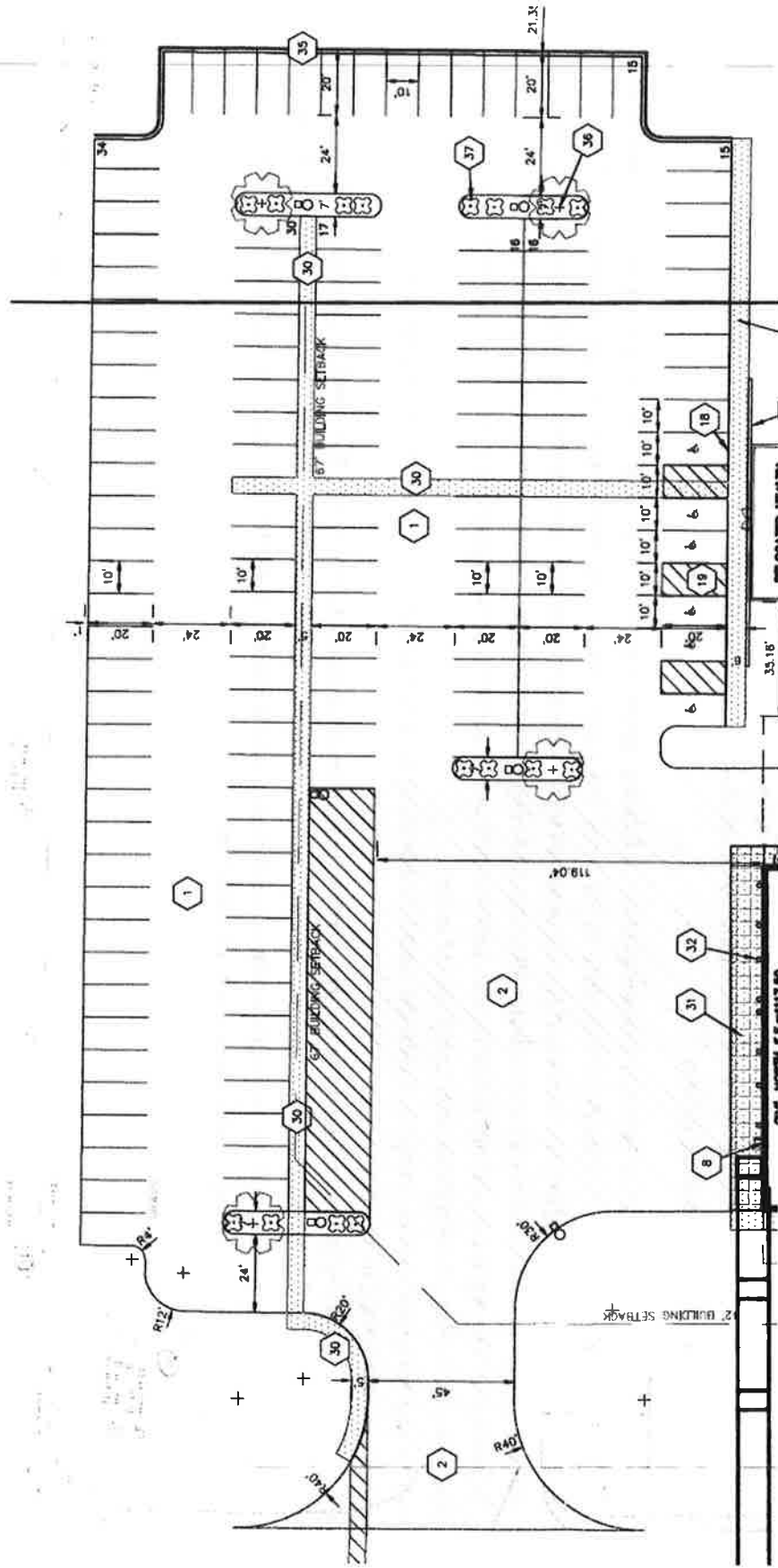
4. Detailed site map



5. Detailed floor plan. The bridge supports are being redesigned to be outside the 75 foot building setback from Dairy Road.



143 parking spaces in the new lot. The old parking lot had 120 spaces. There are an additional 24 parking spaces on the west side of the cheese plant that are used by maintenance.



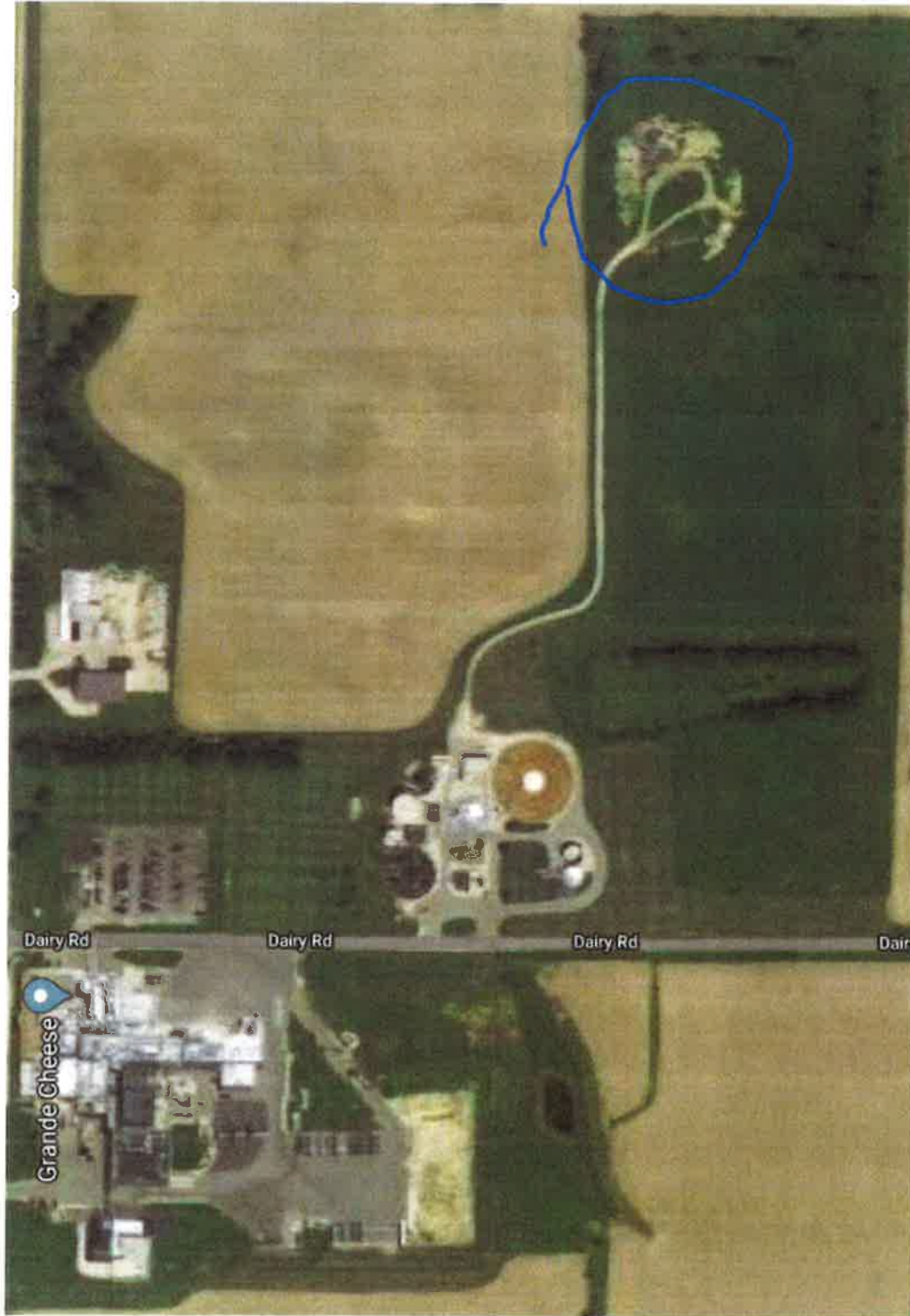
6. Detailed narrative: The Grande facility on Dairy Road in Brownsville is a cheese and whey production facility. The plant 300 employees that are spread over four teams. Two teams would need parking at one time which would require 135 spaces in the new parking lot on the east side of Dairy Road.

The expansion will provide space for additional cheese production capacity for our fresh cheese product line, renovated office space, and a new milk receiving bay on the east side of Dairy Road. The plant operates 24/7/365. That will not change. The additional cheese

production will be added over time as the business grows. The total increase in employees is 34 spread between four teams, or approximately 8 per shift.

This building will provide fresh cheese production capacity for the next 10 years. The outside of the new building will be lit with downward directed lights every 25 feet around the perimeter. The new parking lot will have 143 parking spaces and will have downward directed parking lot lights. The process water and waste water will be handled by the existing waste water treatment plant. The plant renewed their WPDES permit and the new production is included in the permit. The sanitary waste will go into the existing septic system that has been verified to have enough capacity by Bernhard Plumbing. The new employees will use the existing parking lot to the east of the plant. No additional signs will be added. No additional external tanks will be added for chemical storage. Chemicals for cleaning and utilities will be handled with existing systems.

7. Grande has a current Storm Water Pollution Prevention Plan. It is being updated with the additional building and paved areas, and new storm water pond. The project will be disturbing close to 3.8 acres. The current impervious surface does not be considered in the calculations but the increased in impervious surface are needs to be provided with a storm water retention pond. The pond is designed to slow the flow of normal storm water on the site allowing solids like sand and silt to drop out in the pond before moving on to the adjacent properties. Basic calculations for sizing the current storm water pollution prevention pond is its area is 12% of the new area of impervious area. This will be refined with final detailed design.
8. An erosion control plan will be completed with the detail design drawings and submitted with the Land Use permit. See page 2 for silt fence location during construction.
9. Any disturbed soil will be graded to meet the requirements of the storm water plan and reseeded. Plans will be included with the Land User Permit. Spent soil will be stored in the abandoned lagoon on site (see blue area in site layout below). We have permission from the DNR to store clean soil, brick, building stone, concrete or reinforced concrete not painted with lead-based paint, broken pavement, and wood not treated or painted with preservatives or lead-based paint.



10. Grande is currently working with the DNR on storm water permits, waste water permits, and air emission permits. Grande is also working with Wisconsin Department of Safety and Professional Service on pressure vessel permitting. Grande will be working with the local emergency response departments to update their plans once they are finalized. We are also working with WE Energies on

relocating the current electric lines from their current location along Dairy Road. We will provide them an easement to run the lines on our property and connect to the poles just south of the utility bridge.