

**Land Resources and Parks Department
Staff Report**

Town Rezoning Petition # 2022-1005

Filing Date: December 15, 2022

Committee Review Date: January 23, 2023

Owner:

Jay-Vee Wulff Family Farms LLC
c/o Joann Stommel
W8851 E Jason Dt.
Beaver Dam, WI 53916

Location:

PIN# 042-1217-0144-002

Property Location: Lot 1, CSM 5786, V38, p173, located in part of the SE ¼ of the SE ¼, Section 1, Town of Theresa, the site address being N9308 Mohawk Rd.

Applicants Request

A petition to rezone 2-acres of land from the A-1 Farmland Preservation Zoning District to the A-2 general Agricultural Zoning District has been submitted by the Town of Theresa Town Board to the Dodge County Board of Supervisors for approval. The proposed 2-acre lot to be rezoned will contain an existing residence which is intended for non-farm residential use.

Land Use Code Provisions:

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

Physical Features of Site

The features of the property that relate to the granting or denial of the rezoning petition are as follows:

The proposed lot to be rezoned is not located within the County's Zoning Jurisdiction.

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

Land Use, Site: Residential and agricultural.

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

Designated Archaeological Site: Yes No

The proposal is consistent with the Dodge County Comprehensive Plan:

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

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.

Town Rezoning Petition

The staff believes that the Town Board has followed the proper procedures outlined in their Zoning Ordinance in order to approve the rezoning request. In addition, the proposed rezoning petition is consistent with the County's Comprehensive Plan as the site is designated as general agriculture which may allow for limited residential development. Therefore, staff recommends the committee report favorably on the town rezoning petition.

Dodge County Land Resources and Parks Committee Decision

Town Rezoning Petition # 2022-1005
Filing Date: December 15, 2022
Committee Review Date: January 23, 2023

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CONCLUSIONS OF LAW

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

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

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

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

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

Comments

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

Motion second _____

Vote

Dale Macheel	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Donna Maly	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Ben Priesgen	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Dan Siegmann	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Mary Bobholz – Chair	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present

Motion (Carried / Denied)

Dodge County Land Resources and Parks Committee

Signed _____ Attest _____
Chairperson Secretary

Dated: _____

Filed: _____

RESOLUTION #

TO THE HONORABLE BOARD OF SUPERVISORS OF DODGE COUNTY, WISCONSIN

MEMBERS:

WHEREAS, Dodge County, a Body Corporate under the laws of the State of Wisconsin, had adopted a comprehensive zoning ordinance which is in full force and effect, and

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

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

WHEREAS, a public hearing as to the proposed amendment to the Town Zoning Ordinance of the Town of Theresa was held by the Town Plan Commission of the Town of Theresa on November 30th, 2022, the proposed amendment to the zoning ordinance of the Town of Theresa having been adopted by the Town Board of the Town of Theresa on December 5th, 2022.

THEREFORE, BE IT RESOLVED, that the amendment to Section 2.6 of the Town Zoning Ordinance of the Town of Theresa as represented by the attached page and made a part of this resolution be and hereby is approved, by the Board of Supervisors of Dodge County, Wisconsin.

All of which is respectfully submitted this 6 day of December, 2022.

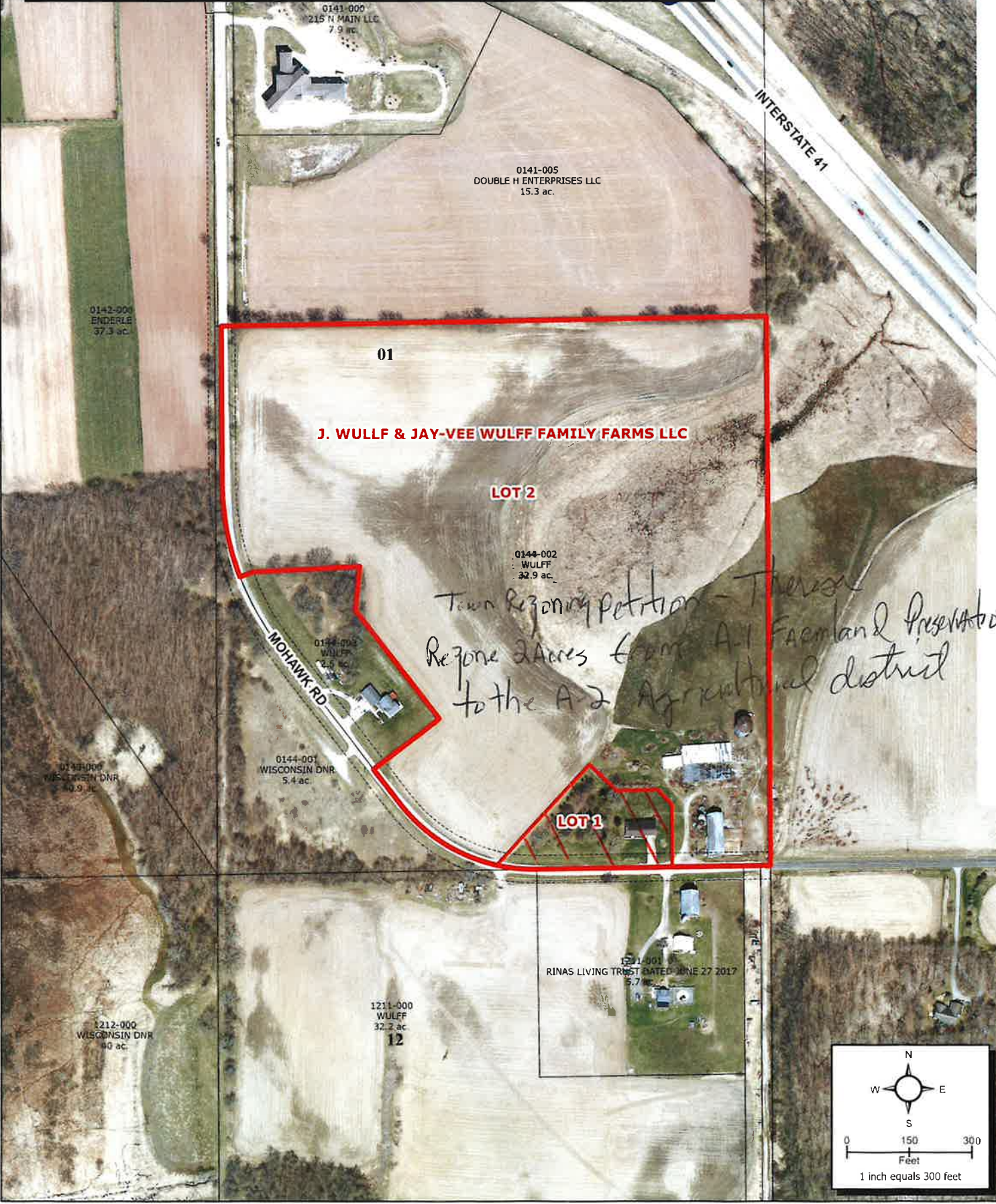


Dodge County Board Supervisor

Joyce Wulff & Jay-Vee Wulff Family Farms LLC

Town of Theresa, Sec. 1

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.



TOWN OF THERESA PLAN COMMISSION

November 30, 2022

The November 30th, 2022 meeting of the Plan Commission was called to order by Chairman Jim Krieger at 8:00 p.m. Other board members present were Todd Bodden, Dan Schmidt, Dan Duthie, Rick Steger, Fred Fink, and Jeff Justman. The minutes from the October 12th Plan Commission meeting were read by the clerk. Rick Steger motioned to approve the minutes and Dan Duthie seconded. Motion carried (7 ayes).

Petitioner: Anthony Wulff

Owner: Anthony and James Wulff

Chairman Krieger read the Conditional Use application to create a 2 acre parcel from a 32.88 acre parcel. The property is in the A1 Farmland Preservation district and is located at N9308 Mohawk rd., Theresa, in tax key 042-1217-0144-002.

Anthony Wulff explained that his uncle was buying the house and he and his dad wanted to keep the farm buildings with 30.88 acres of land. There is enough space between the farm buildings and house to separate them. There are also existing separate driveways. Town of Theresa Zoning Ordinance sections 4.13 and 4.3 were read.

Vote: 7 Yes, 0 No

The Conditional Use application to create the parcels was approved.

Petitioner: JayVee Wulff Family Farms, LLC

Owner: Anthony Wulff and James Wulff

Chairman Krieger read the Rezoning application to rezone the newly created 2 acre parcel from A-1 Farmland Preservation to A-2 General Agriculture. The remaining 30.88 acre parcel will stay as A-1 Farmland Preservation. Section 9.6 of the Town of Theresa Zoning Ordinance was reviewed.

Vote: 7 Yes, 0 No

The rezoning of 2 acres in tax key 042-1217-0144-002 from A-1 Farmland Preservation to A-2 General Agriculture was approved.

Diane Koch, who has been leading the Comprehensive Planning Committee, presented the draft version of the updated Town of Theresa Comprehensive Plan. Each of the chapters was reviewed and changes were discussed.

Rick Steger motioned to adjourn the meeting and Todd Bodden seconded the motion. Motion carried (7 yes, 0 no). The meeting was duly adjourned at 9:35 pm.

Respectfully Submitted,
Diane Steger



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. 220559	Permit Issued Date
Application Date: 7-5-2022	Receipt #: 5179-0005
	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) Jody Kehl	Parcel Identification Number (PIN) 002-0917-1721-001
Street Address W3797 Strange Rd	Town Ashippun
City • State • ZipCode Iron Ridge WI 53035	Section 17
Property Owner (If different from applicant) Jody & Timothy Kehl	Subdivision or CSM (Volume/Page/Lot) NE NW 17 38
Street Address W2365 Cleveland Rd	Address Of Property (DO NOT include City/State/ZipCode)
City • State • ZipCode Neosho, WI 53059	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 checked="" type="checkbox"/> Active-Working Farm Operation <input type="checkbox"/> Business • Industrial • Commercial • (Describe below) Other _____	<p align="center">(Please check/complete all that apply below)</p> <input 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: Kennel / Boarding facility and training facility for dogs
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	
<p>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.</p>	
Signature Jody Kehl	Date 7/5/2022
Daytime Contact Number (920) 382-1545	
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	Land Resources and Parks Department _____ Date: _____

LRP QMap

1722-000
18.693 ac.

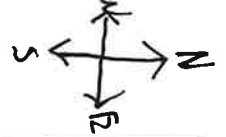
1721-002
18.208 ac.

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.

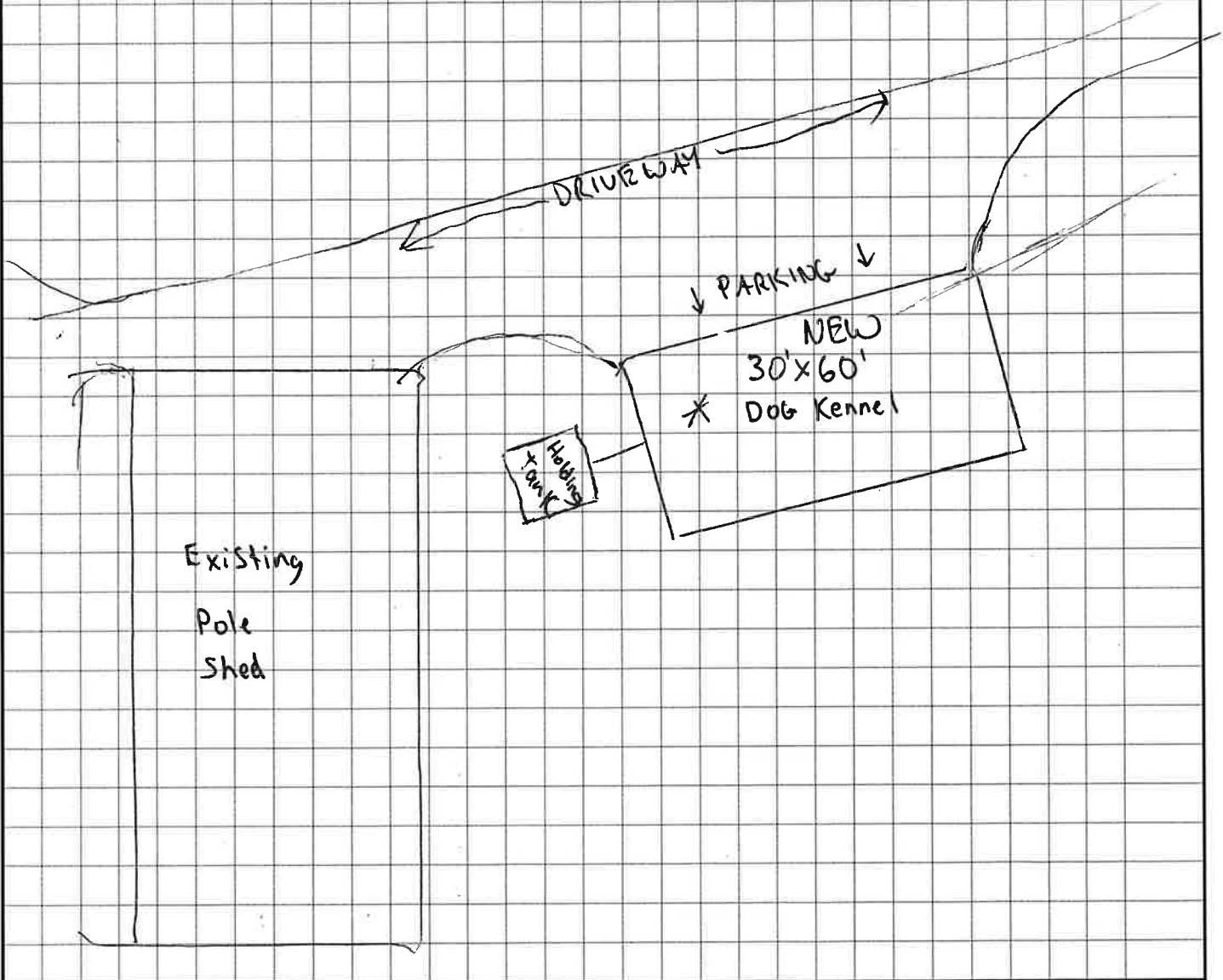


<p>General</p> <ul style="list-style-type: none"> Urbanized Roads Soils Airport Ordinance 3-Mile Buffer Sewer Service Areas Highly Developed Shoreline Elevation Contours 	<p>WI Historical Society</p> <ul style="list-style-type: none"> Historic Structures Archaeological Sites Survey Areas <p>Non-Metallic Mining</p> <ul style="list-style-type: none"> Active Mining Area Approved Mining Area Mine Property Boundaries 	<p>Floodplain / Wetland</p> <ul style="list-style-type: none"> FEMA Floodplain/Storage/Dam Shadow DNR Wetland Areas/Points <p>Shoreland Zoning</p> <ul style="list-style-type: none"> Shoreland Zoning Buffer Lakes/Ponds/Sloughs Rivers/Streams/Creeks 	<p>County Zoning</p> <ul style="list-style-type: none"> Planned Unit Development Hartford Extraterritorial General Agricultural Prime Agricultural One Family Residential Two Family Residential Multi-Family Residential 	<ul style="list-style-type: none"> General Commercial Extensive Commercial Light Industrial Industrial Waterbody ROW/City/Village
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$$\frac{1}{4} = 6.66 \text{ ft}$$



SITE PLAN (SKETCH)

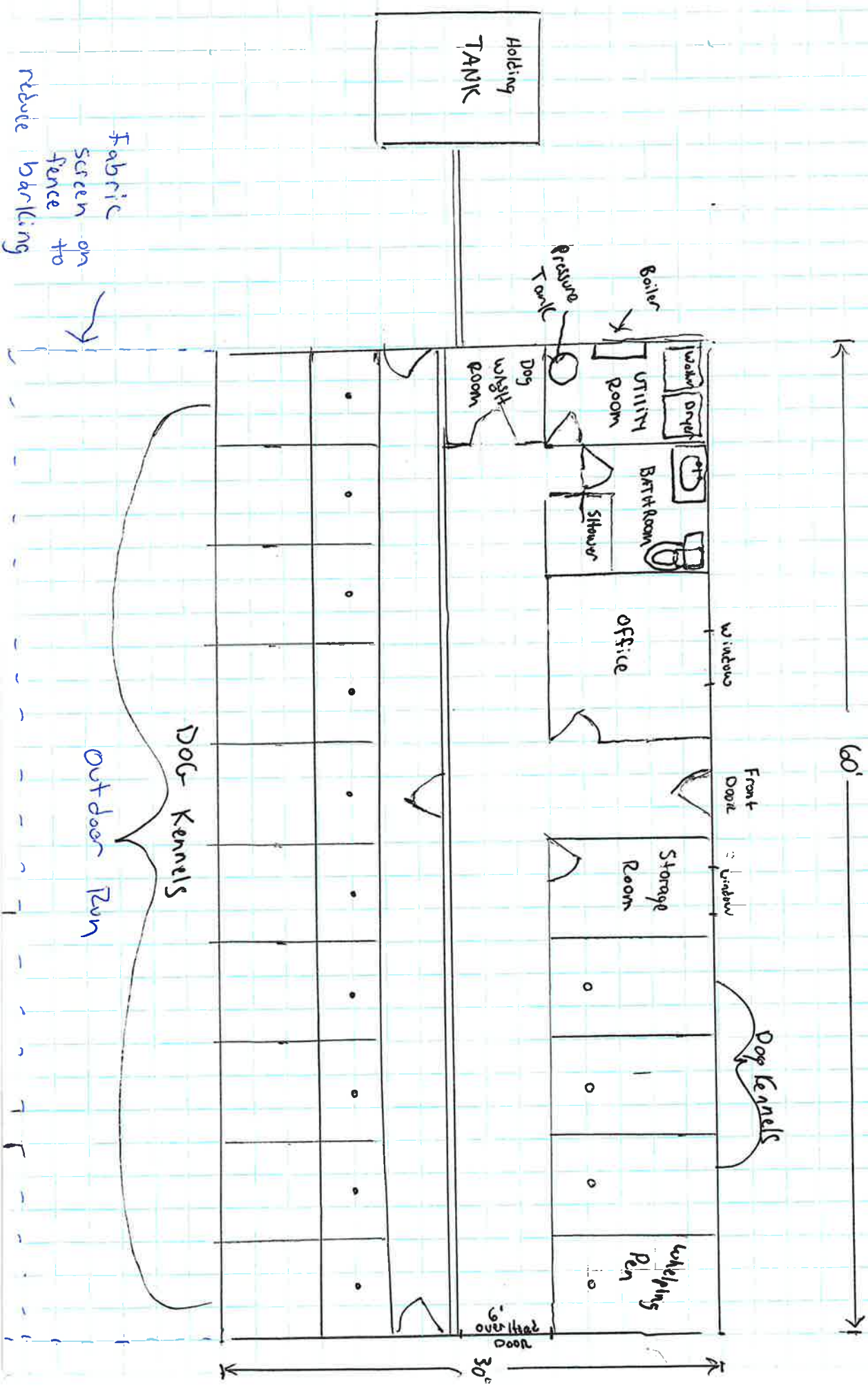


See Attached Site Plan (Sketch)

THIS AREA FOR OFFICE USE ONLY

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

1/4" = 2'



Holding
TANK

Boiler

Pressure
Tank

Water
Dryer

UTILITY
Room

BATHROOM

Shower

Office

Window

Front
Door

60'

Window

Storage
Room

Dog Kennels

Multiplying
Pen

2000
1900
900

30'

DOG-Kennels

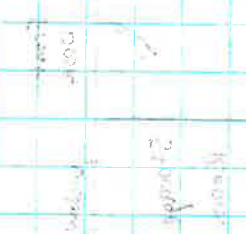
Outdoor Run

Fabric
screen on
fence to
reduce barking

1/1/12



1/1/12



1/1/12

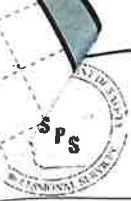


1/1/12

1/1/12

Dog Kennel

- Jody Kehl W3797 Strange Rd Iron Ridge WI 53035
920-382-1545
- Dog Kennel Facility to be used for Boarding, training and Grooming.
- 3 part time employees
- lighting will be flush mount soffit LED lighting
- 3000 gal Holding Tanks
- All dog waste from kennel will be directed to holding tank
- No Hazardous waste
- will use floor cleaners or sanitizers
- Dogs will have an outdoor run which will be screened to help reduce barking.
- Will also use anti barking methods in facility to eliminate most noise. (bark collars, misters, etc.)
- Maximum 15 dogs
- Outdoor dog run - screened to reduce barking
- 6 car parking space
- Normal operating hours 8am - 4pm



Industry Services Division
4822 Madison Yards Way
Madison, WI 53705
P.O. Box 7302
Madison, WI 53707

County Dodge
Sanitary Permit Number (to be filled in by Co.)
638 448

Sanitary Permit Application

State Transaction Number
Project Address (if different than mailing address)
N1602 Hwy 67
Neosho WI 53059

In accordance with SPS 383.21(2), Wis. Adm. Code, submission of this form to the appropriate governmental unit is required prior to obtaining a sanitary permit. Note: Application forms for state-owned POWTS are submitted to the Department of Safety and Professional Services. Personal information you provide may be used for secondary purposes in accordance with the Privacy Law, s. 15.04(1)(m), Stats.

I. Application Information - Please Print All Information

Property Owner's Name
Cackle Creek Game Preserve LLC / Jody Kehl

Property Owner's Mailing Address
W2365 Cleveland Rd

City, State Neosho WI Zip Code 53059 Phone Number 920382-1545

II. Type of Building (check all that apply)

- 1 or 2 Family Dwelling - Number of Bedrooms _____
- Public/Commercial - Describe Use 15 Run Boarding Kennel-Canine
- State Owned - Describe Use _____

Lot # _____

Block # _____

CSM Number _____

Parcel # 002-0917-1721-002

Property Location

Govt. Lot _____
NE 1/4, NW 1/4, Section 17

T 09 N R 17 E or W

Subdivision Name _____

City of _____

Village of _____

Town of Ashippon

III. Type of POWTS Permit: (Check either "New" or "Replacement" and other applicable on line A. Check one box on line B. Complete line C if applicable.)

A. New System Replacement System Other Modification to Existing System (explain) _____ Additional Pretreatment Unit (explain) _____

B. Holding Tank In-Ground (conventional) At-Grade Mound Individual Site Design Other Type (explain) _____

C. Renewal Before Expiration Revision Change of Plumber Transfer to New Owner

List Previous Permit Number and Date Issued _____

IV. Dispersal/Treatment Area and Tank Information:

Design Flow (gpd) 517 Design Soil Application Rate(gpd/sf) _____ Dispersal Area Required (sf) _____ Dispersal Area Proposed (sf) _____ System Elevation _____

Tank Information	Capacity in Gallons		Total Gallons	# of Units	Manufacturer	Prefab Concrete	Site Constructed	Steel	Fiber Glass	Plastic
	New Tanks	Existing Tanks								
Septic or Holding Tank	<u>1</u>		<u>4000</u>	<u>1</u>	<u>Lake Shore</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dosing Chamber						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

V. Responsibility Statement- I, the undersigned, assume responsibility for installation of the POWTS shown on the attached plans.

Plumber's Name (Print) Jim Feilbach Plumber's Signature Jim Feilbach MP/MPRS Number 222950 Business Phone Number 920-696-3496

Plumber's Address (Street, City, State, Zip Code)
W5674 State Road 60 Juneau WI 53039

VI. County/Department Use Only

Approved Disapproved Owner Given Reason for Denial _____
Permit Fee \$400.00 Date Issued 12-6-22 Issuing Agent Signature _____
10-27-2022

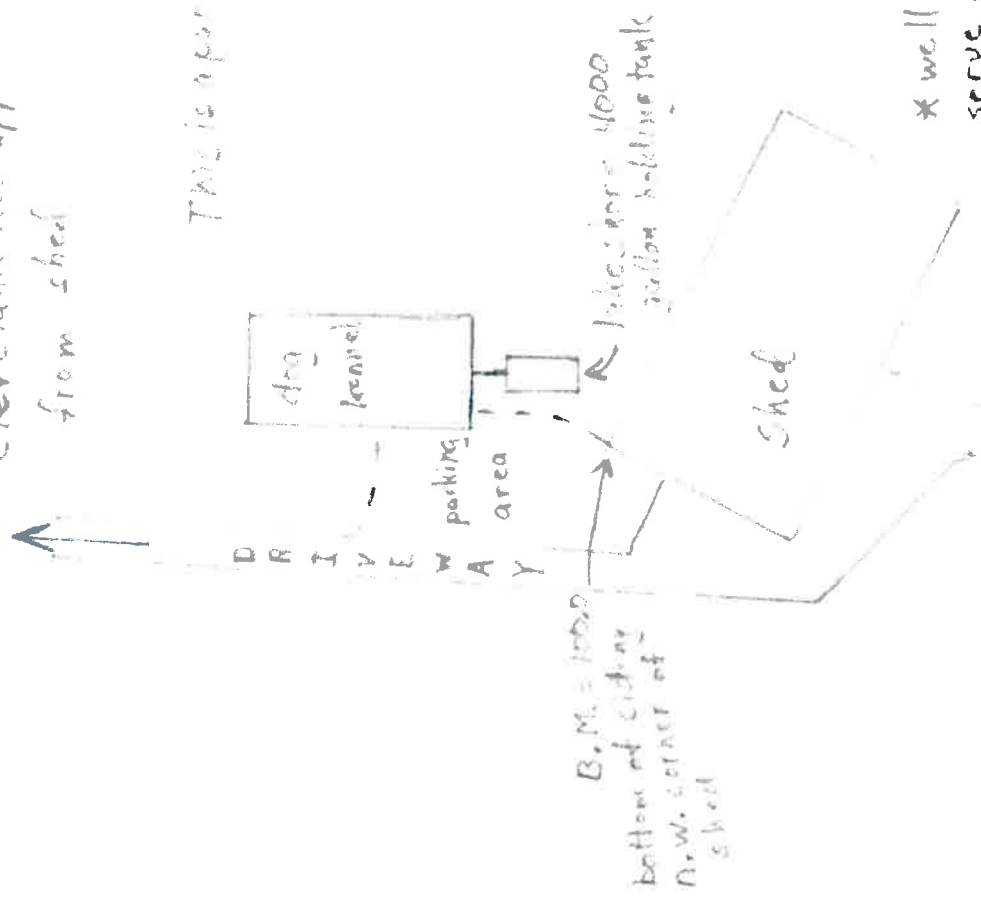
Conditions of Approval/Reasons for Disapproval
5938-0011 220898

Attach to complete plans for the system and submit to the County only on paper not less than 8 1/2 x 11 inches in size

COPY

Cleveland Rd appx 1000' +/-
from shed

This is a part of 38 acres



* well that will serve dog kennel is appx. 400' from building by existing barn.

tanks shall be at least 25 ft from all wells per WAC § SPS Table 383.43-1

Jini Feilbach
10-7-2022
222950

Land Resources and Parks Department Staff Report

County Conditional Use Permit Application # 2022-0559

Filing Date: July 5, 2022

Hearing Date: January 23, 2023

Applicant (Agent):

Jody Kehl/ Cackle Creek Game Preserve LLC
W3797 Strange Road
Iron Ridge, WI 53035

Owner:

Jody Kehl/ Cackle Creek Game Preserve LLC
W3797 Strange Road
Iron Ridge, WI 53035 same and address

Location

PIN# 002-0917-1721-001

Location: Part of the NE ¼ of the NW ¼, Section 17, T9N, R17E, Town of Ashippun, the site address being N1602 State Highway 67.

Applicants Request

An application for a County Conditional Use Permit under the Dodge County Land Use Code, was made by the applicant to allow the establishment of a kennel facility within the A-2 General Agricultural Zoning District. The operation of a kennel was not part of the original Conditional Use Permit for the game farm that is currently being operated on the property.

Project Details

An application for a County Conditional Use Permit under the Dodge County Land Use Code, was made by the applicant to allow the establishment of a kennel facility within the A-2 General Agricultural Zoning District. The applicant is proposing 60' x 30' kennel to house a maximum 15 dogs. Each dog is to have their own outdoor run visually screened to reduce barking. Anti-barking methods will be utilized indoors as well in the form of bark collars or misters. Three part time employees are proposed. Six parking spaces are proposed. Operating hours are proposed to be 8 am. to 4 pm. The kennel may be open up to 7 days of the week, depending on client's need.

A 4000 gallon holding tank has been permitted and all dog waste will go into it. A local State licensed waste hauler has been contracted to haul away and process and dispose of the waste.

The current game farm operation provides pheasants, chukars and bobwhite quail for clients to hunt on their property. Most birds are raised on site. The game farm is open every day except Tuesday. The kennel services will be in addition to the game farm services.

County Jurisdiction

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

The County has Shoreland Jurisdiction over a portion of this farm, but not this particular lot.

- The proposed lot is not designated as wetlands.

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 "Kennels" as a conditional use in the A-2, General Agriculture Zoning District.

Purpose Statement

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 granting or denial of the conditional use permit request are as follows:

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 A-2, General Agriculture Zoning District.

The County has Shoreland Jurisdiction over a portion of 155 acre farm, but not on the lot of the proposed kennel.

- No portions of the farm are designated as wetlands.

The proposed kennel is not located within the County's Floodplain jurisdiction.

The proposed kennel is 900' from the closest property line and 1030' to the closest neighboring house.

The topography of the 155 acre site is rolling with slopes ranging from 6-30%;

Land Use, Site: Agricultural

Land Use, Area: Agricultural with scattered residences along STH 67 and Cleveland 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. 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. It shall be the responsibility of the applicant to obtain the required County land use and sanitary permits and approvals that may be required for the proposed project prior to beginning construction and prior to housing shelter animals on this site.
2. The kennel 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.
3. In the event that noise or odor problems or any other objectionable influence associated with the dog kennel facility arise, this permit shall be subject to review by the Land Resources and Parks Committee. The Committee may attach additional conditions that it deems necessary to mitigate said noise, odor or other objectionable influences to the maximum extent practicable.
4. Any significant change to the proposed kennel facility on this site, any future expansion or any significant change to the site plan submitted with the application may require that a new conditional use permit be issued.
5. 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.
6. 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 project is constructed in compliance with the development standards of the code, the proposal will be compatible with the adjacent uses;

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

- It is the staff's position that if the project is constructed 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 the assurances that continued maintenance for the project is adequate.

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 adverse impacts on the natural environment will be mitigated to the maximum practical extent through the use of bark mitigation measures inside and outside of the kennel.

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 use will not be located in any hazard areas, including floodplains, floodways, etc.

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 # 2022-0559

Filing Date: July 5, 2022

Hearing Date: January 23, 2023

Applicant (Agent):

Jody Kehl/ Cackle Creek Game Preserve LLC
W3797 Strange Road
Iron Ridge, WI 53035

Owner:

Jody Kehl/ Cackle Creek Game Preserve LLC
W3797 Strange Road
Iron Ridge, WI 53035 same and address

Location

PIN# 002-0917-1721-001

Location: Part of the NE ¼ of the NW ¼, Section 17, T9N, R17E, Town of Ashippun, the site address being N1602 State Highway 67.

Applicants Request

An application for a County Conditional Use Permit under the Dodge County Land Use Code, was made by the applicant to allow the establishment of a kennel facility within the A-2 General Agricultural Zoning District. The operation of a kennel was not part of the original Conditional Use Permit for the game farm that is currently being operated on the property.

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. It shall be the responsibility of the applicant to obtain the required County land use and sanitary permits and approvals that may be required for the proposed project prior to beginning construction and prior to housing shelter animals on this site.
2. The kennel 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.
3. In the event that noise or odor problems or any other objectionable influence associated with the dog kennel facility arise, this permit shall be subject to review by the Land Resources and Parks Committee. The Committee may attach additional conditions that it deems necessary to mitigate said noise, odor or other objectionable influences to the maximum extent practicable.
4. Any significant change to the proposed kennel facility on this site, any future expansion or any significant change to the site plan submitted with the application may require that a new conditional use permit be issued.
5. 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.
6. 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

Dale Macheel	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Donna Maly	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Ben Priesgen	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Dan Siegmann	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Mary Bobholz – Chair	<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: _____

Timothy & Jody Kehl
Town of Ashippun, Sec. 17

0842-001
 REDLIN FAMILY TRUST U/A DATED JUNE 19 1996
 39.6 ac.

REDLIN FAMILY TRUST U/A DATED JUNE 19 1996 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.

0831-000
 REDLIN FAMILY TRUST U/A DATED JUNE 19 1996
 23.8 ac.

08
 0834-000
 MILLER
 40 ac.

0833-000
 KASSENS
 37.8 ac.

0843-000
 REDLIN FAMILY TRUST U/A DATED JUNE 19 1996
 39.6 ac.

CLEVELAND RD

1722-000
 KEHL
 18.7 ac.

1771-000
 KEHL
 10.2 ac.

1711-001
 REDLIN LLC
 94.5 ac.

T. & J. KEHL

1721-001
 KEHL
 16.2 ac.

1712-002
 KEHL
 25.8 ac.

1722-002
 KEHL
 40.1 ac.

17

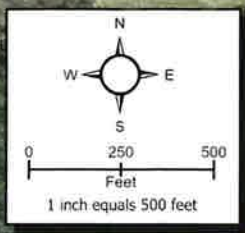
1724-000
 MALLOW
 38.8 ac.

1713-001
 PHONG
 20.1 ac.

1722-000
 SCHLEIBER REHABILITABLE TRUST DATED 6/25/2010
 37.7 ac.

1731-000
 ZOLLER
 26.8 ac.

-  Kehl Property
-  Tax Parcels
-  Proposed Kennel



STATE ROAD 67

18

07

Land Resources and Parks Department Staff Report

County Rezoning Petition # 2022-1003

Filing Date: December 15, 2022

Hearing Date: January 23, 2023

Applicant (Agent):

Stan Jones
818 N Church St.
Watertown, WI 53098

Owner:

Wilcrest LLC
W2252 Harver Ct.
Brownsville, WI 53006

Location

PIN# 014-1013-2021-000

Part of the NE ¼ of the NW ¼, Section 20, Town of Elba, located along the south side of STH 60 approximately 900 feet west of the intersection of STH 60 and Ninabuck Road.

Applicants Request

The owner would like to sell this property in the future and potential buyers of the parcel have requested assurances from the County that the existing agricultural driveway access located along the east edge of this property can be upgraded to a residential access to allow access to the upland portion of this property for future residential use of the property. The existing agricultural driveway is designated as a wetland according to the Wisconsin Wetland Inventory Maps and the current shoreland protection ordinance provisions prohibit filling and grading within the wetland associated with the upgrade of this agricultural driveway to a residential driveway unless the driveway is removed from the wetland district.

A rezoning petition has been submitted by the applicant under the Dodge County Shoreland Protection Ordinance in order they be allowed to rezone an approximate 11' X 563' strip of land (0.142-acres) out of the wetland district in order to allow filling and grading of the agricultural driveway area that will be associated with the conversion of this agricultural driveway to a residential driveway. The proposed upgrade to the driveway is intended to provide residential access to the upland area on this lot.

Review and Procedural Provisions

1. Subsections 14.3(1) through 14.3(9) of the Dodge County Shoreland Protection Ordinance details the procedural matters, the approval criteria and the form for the petition. The Committee must hold a public hearing and report to the County Board.
2. Subsection 14.3(2) of the Ordinance states that a petition for rezoning may be made by any property owner in the area to be affected by the rezoning.
3. Subsection 14.3(9) of the Ordinance lists the approval criteria the committee must consider when acting on a rezoning petition.

Shoreland Protection Ordinance Provisions

Section 3.3 of the Dodge County Shoreland Protection Ordinance lists the permitted uses within the wetland district. According to Section 3.3(3)(a) of this Ordinance, filling and grading associated with the maintenance or construction of a road/driveway that is located within a wetland is only allowed for silvicultural or agricultural cultivation activities. According to this section, the construction and maintenance of roads which are

necessary to conduct silvicultural activities or agricultural cultivation, would be an allowed use within the wetland district provided that:

- The road cannot as a practical matter be located outside the wetland;
- The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in section 3.52;

Section 3.4 of the Ordinance deals with prohibited uses.

Per Section 3.4 Any use not listed in sections 3.31, 3.32 or 3.33 is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with section 3.5 of this ordinance and s. 59.69(5)(e), Wis. Stats.

According to Section 3.5(2) of the Ordinance, a wetland, or a portion thereof, in the shoreland-wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

- (a) Storm and flood water storage capacity;
- (b) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
- (c) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- (d) Shoreline protection against soil erosion;
- (e) Fish spawning, breeding, nursery or feeding grounds;
- (f) Wildlife habitat; or
- (g) Wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in NR 103.04 which can be accessed at the following web site: <http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf> .

Purpose Statements

The purpose of the wetland district is to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands whenever possible. When development is permitted in a wetland district, the development should occur in a manner that minimizes adverse impacts upon the wetland.

Physical Features of Site

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

The staff notes that a filling and grading project, which included the filling and grading on the surface of the agricultural driveway and the installation of a replacement culvert within the agricultural driveway, has already been completed on this site. The County has no records of any permits or approvals having been issued for this filling project by the County and the project would be considered a violation of the Shoreland Protection Ordinance. If the rezoning petition is approved by the County, the owner will be required to obtain the County, State, Federal and local permits and approvals that are required for the filling and grading project that has been completed for the filling and grading project.

The County has Zoning Jurisdiction over this site as the Town of Elba 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 as portions of the site are designated as wetlands on the Wetland Inventory Maps.

- Portions of the site are designated as wetlands;

The site is not located within the County's Floodplain jurisdiction.

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

Land Use, Site: Agricultural and open space wetland recreational.

Land Use, Area: Agricultural with scattered residences along STH 60 and Oxbow Road.

Designated Archaeological Site: Yes No

Section 3.3 of the Dodge County Shoreland Protection Ordinance lists the permitted uses within the wetland district. According to Section 3.3(3)(a) of this Ordinance, filling and grading associated with the maintenance or construction of a road/driveway that is located within a wetland is only allowed for silvicultural or agricultural cultivation activities. According to this section, the construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, would be an allowed use within the wetland district provided that:

- The road cannot as a practical matter be located outside the wetland;
- The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in section 3.52;

According to County records, the agricultural driveway first appeared on this site on the June 19, 1978 aerial photos. The County Shoreland-Wetland Zoning Ordinance and Wetland Inventory Maps were approved by the County on August 21, 1984. Therefore, according to the County records, the agricultural driveway was in existence prior to the adoption of the County's Wetland District regulations and has been maintained as an agricultural access driveway since the time of its installation.

Section 3.4 of the Ordinance deals with prohibited uses.

Per Section 3.4 Any use not listed in sections 3.31, 3.32 or 3.33 is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with section 3.5 of this ordinance and s. 59.69(5)(e), Wis. Stats. Filling and grading associated with the construction of a residential or commercial driveway is not listed as an allowed use within the wetland district, and is therefore prohibited by the Ordinance.

- It is therefore, the County's position that since the project area is located within a wetland district, the County would be prohibited from issuing a land use permit to allow a filling project that would be required to upgrade this driveway to a residential or commercial access unless the project area is rezoned out of the wetland zoning district.

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

- The area to be removed from the wetland is designated as conservancy according to the County's Future Land Use Map. Crop harvesting and pasturing are recognized as acceptable activities in the Conservancy category. Development should not occur within nor encroach on these areas other than for open space preservation, conservation, or passive recreational purposes as may be allowed under applicable zoning regulations.

Wetland Delineation Report

At the request of the owner, Ruekert & Mielke, Inc. conducted a wetland delineation within the designated driveway project area. The delineation was completed to determine the extent of the wetlands within the project area to allow for proposed upgrades to an existing farm filed access road. Based on the wetland delineation by Ruekert & Mielke, Inc., one wetland feature was identified within the project area as shown in Exhibit B. The proposed area to be removed from the wetland district is designated as an emergent /wet meadow wetland and grazed emergent meadow wetland.

According to the Report, Therean Stautz, the lead delineator and report author, is a Wisconsin Department of Natural Resources (WDNR) Assured Delineator. His work is not subject to concurrence review by the WDNR. It was also noted that per communication with United States Army Corp of Engineers (USACE) staff, requests for federal concurrence are not recommended unless the project will be associated with a wetland fill permit application. Wetlands and/or waterways are potentially subject to federal regulation under the jurisdiction of the USACE, state regulation under the jurisdiction of the WDNR, and local regulation under the County.

ARMY CORP Recommendation: Approve Deny No recommendation submitted

DNR Recommendation: Approve Deny No recommendation submitted

DNR Notice Requirements

In accord with Section 14.3(11) Shoreland Protection Ordinance

If the Department of Natural Resources notifies the Committee that a proposed text or map amendment to the shoreland-wetland district provisions of this Ordinance may have a significant adverse impact upon any of the criteria listed in this ordinance, the rezoning petition or amendment, if approved by the County Board, shall contain the following provision:

"This amendment shall not take effect until more than 30 days have elapsed after written notice of the County Board's approval of this amendment is mailed to the Department of Natural Resources. During that 30-day period the Department of Natural Resources may notify the County Board that it will adopt a superseding shoreland ordinance for the County under s. 59.692(6), Wis. Stats. If the Department of Natural Resources does so notify the County Board, the effect of this amendment shall be stayed until the adoption procedure is completed or otherwise terminated."

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 14.3(9) and the staff comments are listed in Exhibit A for review by the committee.

It is the staff's position that the road/driveway cannot as a practical matter be located outside the wetland. Access to the upland area on this property is obtained over the existing agricultural access road/driveway. It is also the staff's position that since the agricultural driveway and the culvert were in existence prior to the adoption of the wetland ordinance regulations, and provided that the road/driveway project is restricted to the area of the existing road/driveway bed, the existing culvert is replaced with a culvert of the same size and is installed at the same elevation, and the applicant receives all of the applicable State, Federal and Local permits and approvals for the filling and grading project that was done on this site, the proposed development of this driveway and the upland site will not have a significant adverse impact upon surrounding properties or the natural environment, including air, water, noise, stormwater management, soils, wildlife, and wetland vegetation. Therefore, it is the staff's opinion that the committee will be able to make the findings necessary under Section 14.3(9) of the Ordinance in order to submit a favorable recommendation to the County Board to remove the project site from the wetland district.

EXHIBIT A

Staff Review Comments – Rezoning Petition:

The staff has reviewed the petition for compliance with the approval criteria listed in Section 14.3(9) of the Ordinance and the staff has the following comments:

14.3(9)(a) Approval Criteria Rezoning Petition

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

(a) 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 residential use of this lot.
- A soil test report has been filed for this property indicating that the upland area is suitable for a POWTS System.
- Documentation has been submitted by Jerry Hepp Excavating. It is his opinion that the driveway in its current condition is suitable for a residential driveway.
- Documentation has been submitted by Kraig Biefeld, fire chief for a fire department that provided coverage in Dodge County has inspected the driveway and they indicates that the driveway is suitable for emergency fire apparatus.

(b) 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 provided the driveway to the proposed development site is constructed in accord with the applicable standards that will support residential and emergency vehicles;

(c) 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 driveway and the culvert were in existence prior to the adoption of the wetland ordinance regulations, and provided that any new filling and grading project is done within the existing road/driveway bed, a culvert of the same size is replaced at the same elevation, and the applicant receives the applicable State, Federal and Local permits and approvals for the project, 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

(d) The land proposed to be removed from the wetland district 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 for the potential residential driveway is suitable for development and if the land is developed in accord with the land use code provisions, the project will not cause unreasonable soil erosion;

(e) The proposed rezoning is consistent with the Dodge County Comprehensive Plan and the stated purposes of this Ordinance;

- It is the staff's position that the area to be removed from the wetland district is not consistent with the Dodge County Comprehensive Plan. The area to be removed from the wetland is designated as conservancy according to the County's Future Land Use Map. Crop harvesting and pasturing are recognized as acceptable activities in the Conservancy category. Development should not occur within nor encroach on these areas other than for open space preservation, conservation, or passive recreational purposes as may be allowed under applicable zoning regulations.

(f) The proposed rezoning will not be used to legitimize, a nonconforming use or structure;

- According to Section 3.4 of the Shoreland Protection Ordinance, any use not listed in sections 3.31, 3.32 or 3.33 is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this Ordinance in accordance with Section 3.5 of this Ordinance and Section 59.69(5)€, Wis. Stats.
- If the project area is rezoned, without meeting the criteria listed in Section 3.5(2) of the Ordinance, the rezoning would be used to legitimize a nonconforming use of the driveway.

(g) The proposed rezoning is the minimum action necessary to accomplish the intent of the petition, and a 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 one of the steps necessary to accomplish the intent of the petition;

(h) For all proposed rezoning petitions that will remove land from the wetland district the wetland or a portion thereof, in the shoreland-wetland district shall not be rezoned if the proposed rezoning may result in a significant impact upon any of the following:

(1) Storm and flood water storage capacity;

- It is the staff's position that if the driveway and the culvert were in existence prior to the adoption of the wetland ordinance regulations, and provided that any new filling and grading project is done within the existing road/driveway bed, and a culvert of the same size is replaced at the same elevation, the stormwater and/or floodwater storage capacity of this wetland would not be changed significantly and would not result in a significant adverse impact upon the storm and flood water storage capacity of the wetland.

(2) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;

- It is the staff's position that if the driveway and the culvert were in existence prior to the adoption of the wetland ordinance regulations and provided that any new filling and grading project is done within the existing road/driveway bed, and a culvert of the same size is replaced at the same elevation, the dry season stream flow, the discharge of groundwater to the wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through the wetland would not be adversely affected by filling/maintaining the driveway bed area;

(3) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;

- It is the staff's position that the filtering and storage capacity of the wetland would not substantially be affected by filling and grading of this existing agricultural driveway provided no new wetland area are filled.

- (4) Shoreline protection against soil erosion;
- It is the staff's position that any county permits required for the filling and grading and culvert installation will be required to comply with the applicable shoreline protection and soil erosion standards of the code.
- (5) Fish spawning, breeding, nursery or feeding grounds;
- It is the staff's position that if any new filling and grading project is done within the existing road/driveway bed, and a culvert of the same size is replaced at the same elevation, any existing fish spawning, breeding, nursery or feeding grounds would not be affected by the project.
- (6) Wildlife habitat; or
- It is the staff's position that if any new filling and grading project is done within the existing road/driveway bed, and a culvert of the same size is replaced at the same elevation, wildlife habitat would not be affected by the project.
- (7) Wetland both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in NR 103.04 which can be accessed at the following web site: <http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf>.
- It is the staff's position that if any new filling and grading project is done within the existing road/driveway bed, and a culvert of the same size is replaced at the same elevation, wildlife habitat would not be affected by the project.

Dodge County Land Resources and Parks Committee Decision

County Rezoning Petition # 2022-1003

Filing Date: December 15, 2022

Hearing Date: January 23, 2023

Applicant (Agent):

Stan Jones
818 N Church St.
Watertown, WI 53098

Owner:

Wilcrest LLC
W2252 Harver Ct.
Brownsville, WI 53006

Location

PIN# 014-1013-2021-000

Part of the NE ¼ of the NW ¼, Section 20, Town of Elba, located along the south side of STH 60 approximately 900 feet west of the intersection of STH 60 and Ninabuck Road.

Applicants Request

The owner would like to sell this property in the future and potential buyers of the parcel have requested assurances from the County that the existing agricultural driveway access located along the east edge of this property can be upgraded to a residential access to allow access to the upland portion of this property for future residential use of the property. The existing agricultural driveway is designated as a wetland according to the Wisconsin Wetland Inventory Maps and the current shoreland protection ordinance provisions prohibit filling and grading within the wetland associated with the upgrade of this agricultural driveway to a residential driveway unless the driveway is removed from the wetland district.

A rezoning petition has been submitted by the applicant under the Dodge County Shoreland Protection Ordinance in order they be allowed to rezone an approximate 11' X 563' strip of land (0.142-acres) out of the wetland district in order to allow filling and grading of the agricultural driveway area that will be associated with the conversion of this agricultural driveway to a residential driveway. The proposed upgrade to the driveway is intended to provide residential access to the upland area on this lot.

CONCLUSIONS OF LAW

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

14.3(9) Approval Criteria – Rezoning Petition

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

(Yes / No);

Comments

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

(Yes / No);

Comments

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

(Yes / No);

Comments

(d) Is the land proposed for rezoning suitable for development?

(Yes / No);

Comments

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

(Yes / No);

Comments

(e) Is the proposal consistent with the Dodge County Comprehensive Plan and the stated purposes of this Ordinance?

(Yes / No);

Comments

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

(Yes / No);

Comments

(g) Is the proposed rezoning the minimum action necessary to accomplish the intent of the petition?

(Yes / No)

Comments

(h) For all proposed rezoning petitions that will remove land from the wetland district the wetland or a portion thereof, in the shoreland-wetland district shall not be rezoned if the proposed rezoning may result in a significant impact upon any of the following:

(1) Will the proposed rezoning petition result in a significant adverse impact upon the storm and flood water storage capacity of the Wetland?

(Yes / No)

Comments _____

(2) Will the proposed rezoning petition result in a significant adverse impact upon the maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland?

(Yes / No)

Comments _____

(3) Will the proposed rezoning petition result in a significant adverse impact upon the filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters?

(Yes / No)

Comments _____

(4) Will the proposed rezoning petition protect the shoreline from soil erosion?

(Yes / No)

Comments _____

(5) Will the proposed rezoning petition protect fish spawning, breeding, nursery or feeding grounds?

(Yes / No)

Comments _____

(6) Will the proposed rezoning petition protect wildlife habitat?

(Yes / No)

Comments _____

(7) Will the proposed rezoning petition protect areas of special recreational, scenic or scientific interest, including scarce wetland types?

(Yes / No)

Comments _____

14.3(11) Did the Department of Natural Resources notify the Committee that the proposed map amendment to the shoreland-wetland district provisions of this code will have a significant adverse impact upon any of the criteria listed in Section 14.3(9) of this ordinance?

(Yes / No)

If yes, then the committee report to the County Board shall contain the following provision:

"This amendment shall not take effect until more than 30 days have elapsed after written notice of the County Board's approval of this amendment is mailed to the Department of Natural Resources. During that 30-day period the Department of Natural Resources may notify the County Board that it will adopt a superseding shoreland ordinance for the county under s. 59.692(6), Wis. Stats. If the Department of Natural Resources does so notify the County Board, the effect of this amendment shall be stayed until the adoption procedure is completed or otherwise terminated."

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 14.3(9) 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

Dale Macheel	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Donna Maly	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Ben Priesgen	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Dan Siegmann	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Mary Bobholz – Chair	<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;
- Withheld a final recommendation on the proposed petition and requested the applicant to provide additional documentation regarding the wetland delineation report for this site;

Dodge County Planning, Development and Parks Committee

Signed _____ Attest _____
Chairperson Secretary

Dated: _____

Filed: _____



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

REZONING PETITION

THIS AREA FOR OFFICE USE ONLY	
Activity No. 221003	Application Date: 12-15-22
	Receipt #: 10248-0009

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

NAMES & MAILING ADDRESSES	PROPERTY DESCRIPTION
Petitioner (Agent) STAN JONES	Parcel Identification Number (PIN) 014-1013-2021-000
Street Address 818 N. Church St	Town ELBA
City • State • ZipCode WATERLOO WI 53098	Town N R 10 13
Property Owner (If different from petitioner) WILCREST LLC (WILLIAM BUSHE)	Section 1/4 1/4 Acreage Lot (Block) 20 NE NW 38.664
Street Address W 2252 HARVER COURT	Subdivision or CSM (Volume/Page/Lot) 38AC NE 1/4 NW 1/4 SEC 20 TOWN OF ELBA
City • State • ZipCode BROWNSVILLE WI 53006	Address Of Property (DO NOT include City/State/ZipCode) 38AC NE 1/4 NW 1/4 SEC 20 TOWN OF ELBA
	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 **STAN JONES** Daytime Phone (**920**) **261-6820**

PROPOSED REZONING

Current Zoning District

Wetland (Driveway)

Proposed Zoning District

Non-wetland (Driveway)

Remove strip of land (driveway) out of the Wetland District to allow the upgrade of the Agricultural Reason For Rezoning driveway to a residential driveway.

Purpose of this Petition would be to change the current driveway from Ag driveway to a Residential driveway to gain access to the back of the S.E. corner of this property for a residential property. See attached map.

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 **William C. Bushe** Date **12-15-2022**

Daytime Contact Number (**920**) **948-2532**

◆ AREA BELOW THIS LINE FOR OFFICE USE ONLY ◆

WILCREST LLC - DODGE COUNTY +/-



Map Center: 43° 19' 37.22, -88° 59' 3.62



20-10N-13E
Dodge County
Wisconsin

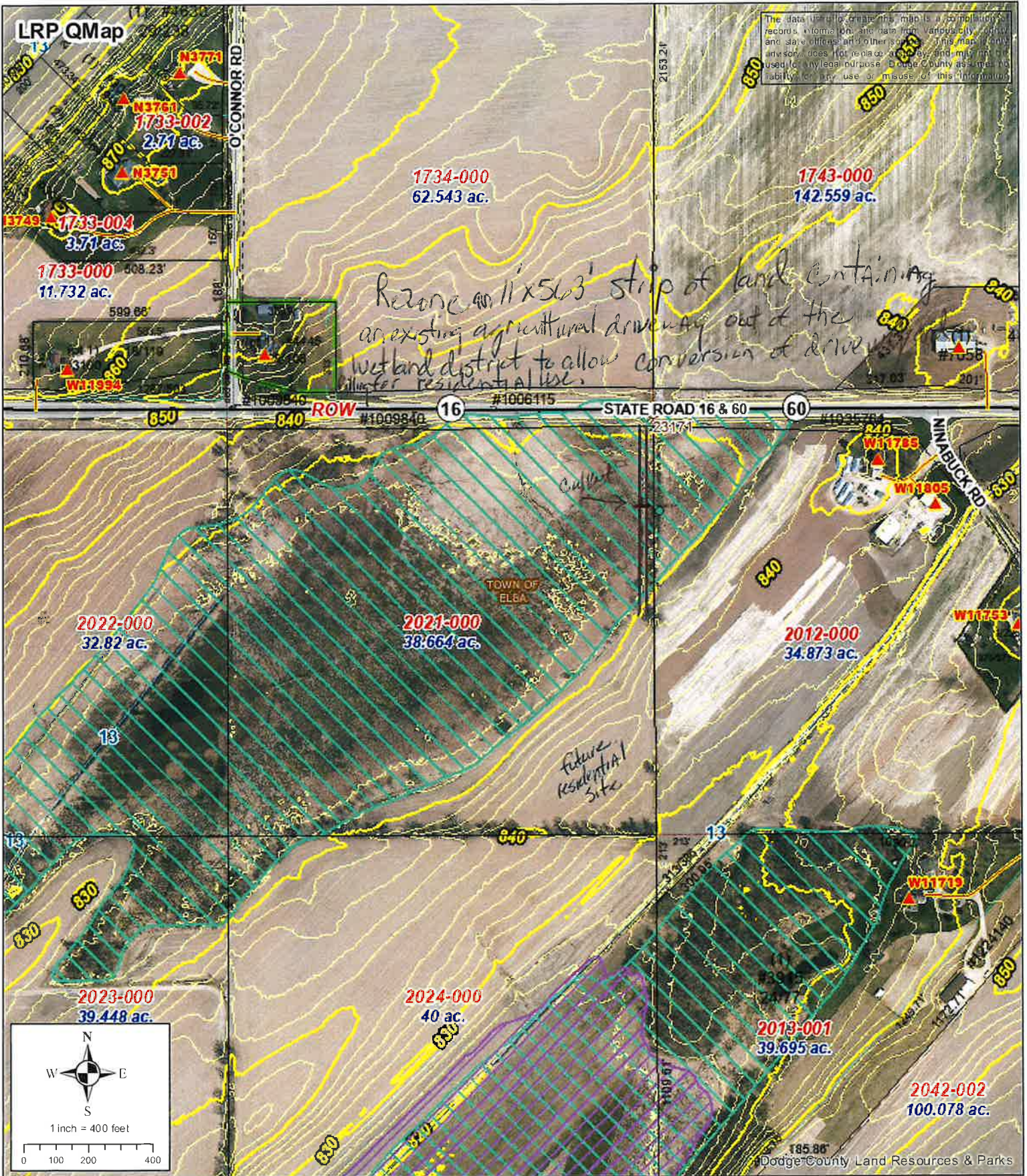


9/16/2022



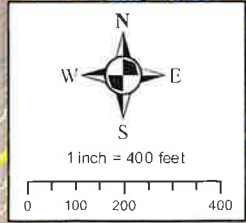
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Field borders provided by Farm Service Agency as of 5/21/2008.



The data used to create this map is a compilation of records, volume on the data from various sources, and state officials and other sources. This map is only advisory, does not replace a survey, and must not be used for any legal purpose. Dodge County assumes no liability for any use or misuse of this information.

Rezone an 11 x 563' strip of land containing an existing agricultural driveway out of the wetland district to allow conversion of driveway for residential use.



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

WORKSHEET: FILLING, GRADING, DREDGING OR EXCAVATING PROJECTS

This Supplemental Information Worksheet is to be used in conjunction with your County Wetland Rezoning application to document what work is being planned for the area to be rezoned out of the Wetland District.. This worksheet must be used if your project involves filling, dredging, or excavating within a wetland district.

Attach additional sheets if necessary

Estimated date project will begin?	Estimated date project will be completed?
AS SOON AS THE COUNTY OK'S IT	AS SOON AS A CONTRACTOR CAN BE HIRED
Provide a narrative describing your proposal. Please state: <ul style="list-style-type: none"> ○ What the project is; ● What the purpose of the proposed project is: CHANGE DRIVEWAY FROM Aq TO RESIDENTIAL USE 	
Provide a detailed plan on how you intend to carry out the project. The plan shall include: <ul style="list-style-type: none"> ○ The methods, materials and equipment to be used; UNKNOWN ○ Your proposed construction schedule and sequence of work. UNKNOWN 	
What temporary and/or permanent erosion control measures will be used?	
<input type="checkbox"/> Riprap <input type="checkbox"/> Silt Fence <input type="checkbox"/> Filter Fabric <input type="checkbox"/> Straw Bales <input type="checkbox"/> Erosion Control Mats <input type="checkbox"/> Temporary Diversions <input type="checkbox"/> Seeding and Mulching	
<input checked="" type="checkbox"/> No Erosions Control Measures Are Planned <input type="checkbox"/> Other (Please explain in detail):	
<u>REQUIRED ADDITIONAL INFORMATION</u>	
Attach an aerial photo of the proposed project site showing: <ul style="list-style-type: none"> ○ An overhead view of the project highlighting its location, and showing the overall area (length and width) of the site to be disturbed. Also, show the location of the cross-section(s) used for the project. 5636ft LONG 11 ft WIDE ○ Show the location(s) where the spoil material from the project will be placed and indicate the depth of the spoils when done. Also, show what erosion control measures will be used and where they will be located. ○ Show the setback distance from the navigable waterway if applicable. 	
Attach the following cross-section illustrations: <ul style="list-style-type: none"> ○ Cross-section(s) showing the existing topography/grade of the excavated area. Use as many cross-section(s) as needed. ○ Cross-section(s) showing the proposed the final topography/grade of the excavated area after the project is completed. Use as many cross-section(s) as needed. 	
<i>Aerial photos may be obtained from our office or by using the County's "GIS Webmap Tool" (see Using the GIS Webmap Tool below)</i>	
NOTE: It is your responsibility to obtain all other permits that may be required from the following governmental agencies: <ul style="list-style-type: none"> ✓ Local Township • (See Contact Info) ✓ Army Corps of Engineers • (262) 547-4171 ✓ Dodge County Drainage Board • (920) 887-7413 ✓ Natural Resources Conservation Service • (920) 386-9999 ✓ Wisconsin Department of Natural Resources • (262) 574-2172 	
NOTE: Part of the review process for your proposed project involves the evaluation of your proposed project's location relative to mapped wetlands. As a general rule, placement of spoil material within a mapped wetland is NOT ALLOWED. This office suggests that you either visit our office or use the County's "GIS Webmap Tool"-(see Using the GIS Webmap Tool below) to determine your project's proximity to a mapped wetland.	
NOTE: Part of the review process for your proposed project involves the evaluation of your proposed project's location relative to mapped floodplain. As a general rule, your project cannot obstruct flow and cannot increase the regional flood height due to floodplain storage lost. This office suggests that you either visit our office or use the County's "GIS Webmap Tool" (see Using the GIS Webmap Tool below) to determine your project's proximity to a mapped floodplain.	
<u>USING THE GIS WEBMAP TOOL</u>	
1. Go to the Dodge County website (www.co.dodge.wi.us). 2. Click on the "GIS Webmap Tool" icon. 3. If you know the Parcel Identification Number (PIN) of the proposed project site: Click the "Parcel Search" tab and enter the property's PIN information in the search bar. Alternatively, if you know the address of the proposed project site: Click the "Address Search" tab and enter the property's address information in the search bar. 4. Click/Check the boxes for: DNR Wetlands, FEMA 100-Year Floodplain and Aerial Imagery.	

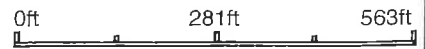
Worksheet 10: Continued

Drawings of proposed activity should be prepared in accordance with the sample drawing.	Location Sketch - Show route to project site and include the nearest main road and cross road. (Indicate the scale used)	Culvert Sample Drawing
Proposed Materials		
Project Plans. Include top view and typical cross sections. Clearly identify features and dimensions or indicate scale.		
Cross Section	Side View	

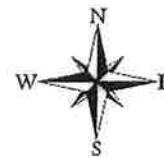
WILCREST LLC - DODGE COUNTY +/-



Map Center: 43° 19' 37.22, -88° 59' 3.62



20-10N-13E
Dodge County
Wisconsin



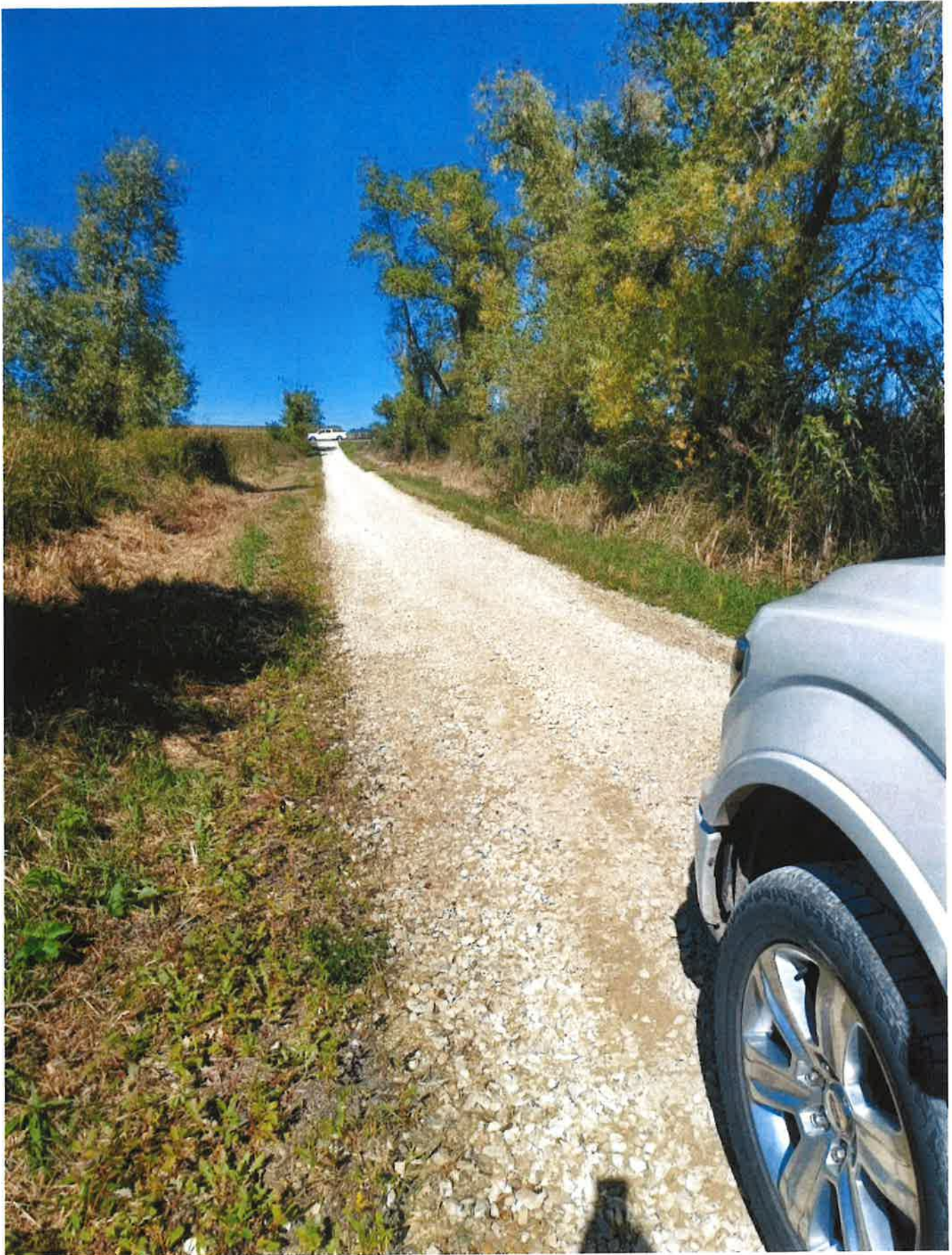
9/16/2022

Maps Provided By:



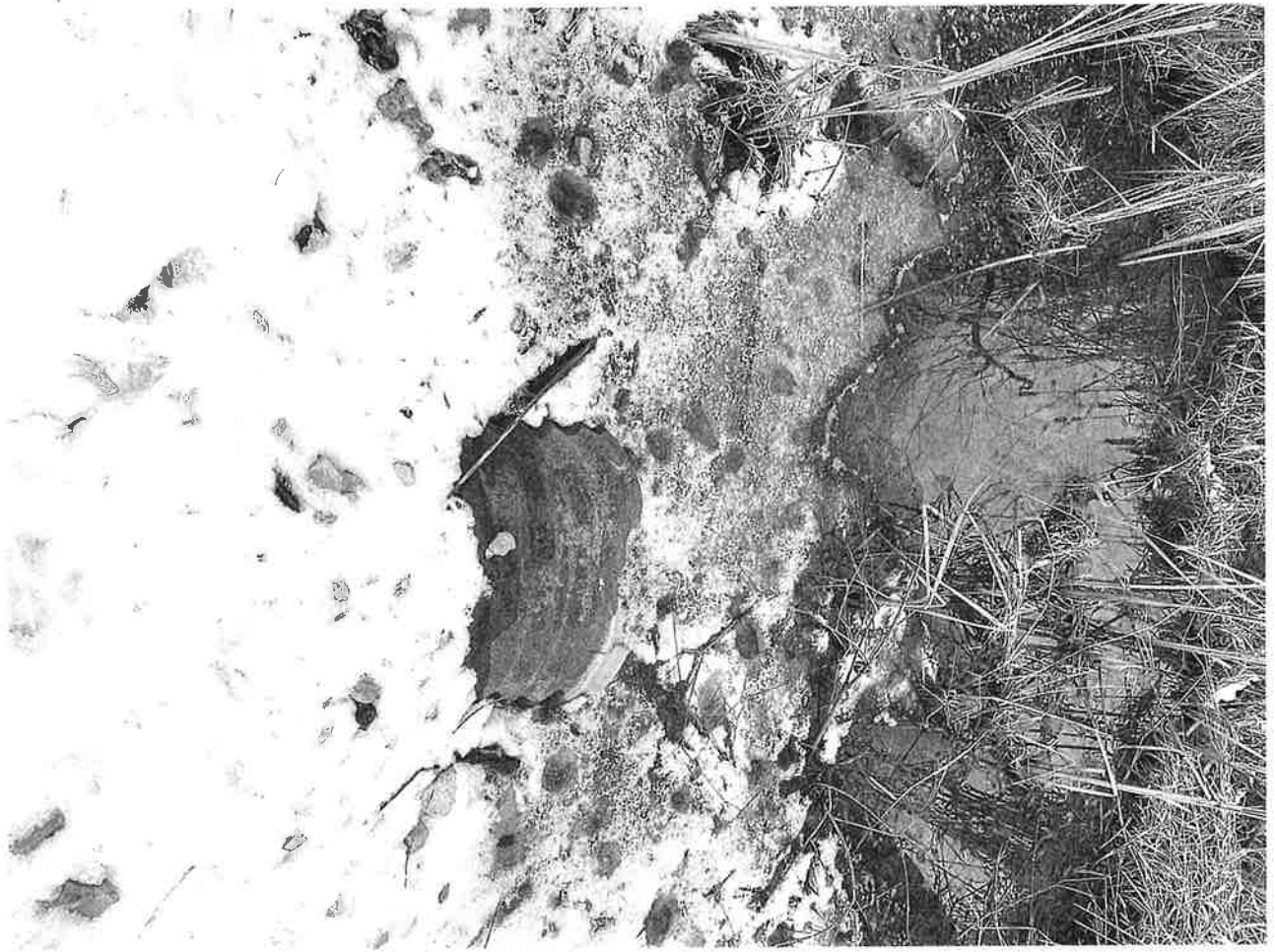
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Field borders provided by Farm Service Agency as of 5/21/2008.

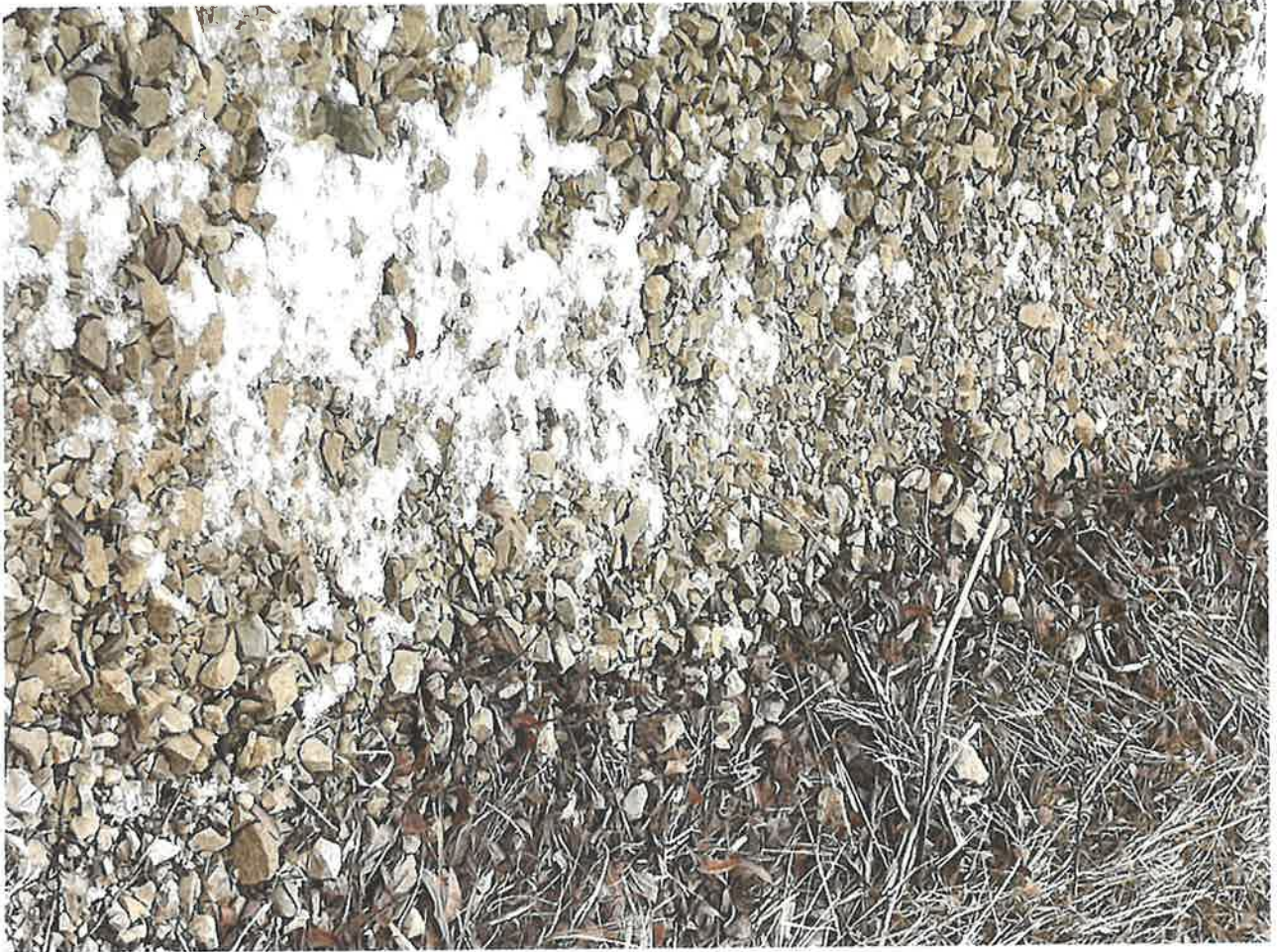












WETLAND DELINEATION REPORT



Hwy 16 Driveway Wetland Delineation Report

April 27, 2021

PREPARED FOR:
Mr. William Buske
975 Bavarian Court
Oshkosh, WI 54901

PREPARED BY:
Ruekert & Mielke, Inc.
4001 Nekoosa Trail
Suite 200
Madison, Wisconsin 53714

 **Ruekert • Mielke**
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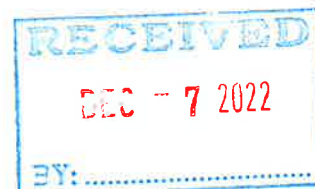


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HWY 16 DRIVEWAY WETLAND DELINEATION REPORT

1.0 Introduction and Statement of Qualifications

On behalf of Mr. William Buske, Ruekert & Mielke, Inc. (R/M) conducted a wetland delineation within a designated Project Area (Appendix A, Figure 1). The Project Area is approximately 0.9 acres and located in Section 20, Township 10N, Range 13E in the Town of Elba, Dodge County, Wisconsin.

The purpose of the wetland delineation was to determine the extent of wetlands within the Project Area for upgrades to an existing farm field access road. The wetland delineation field investigation was conducted by R/M ecologists Theran Stautz, PWS and Kaley DuCoeur on April 13, 2021. One wetland feature was identified within the Project Area: a wet meadow/sedge meadow/shallow marsh complex (Wetland 1 – 32,037.3 ft²) (Appendix A, Figure 2). Theran Stautz was the lead investigator for the wetland delineation and author of this report.

R/M staff have decades of experience providing client support for federal and state environmental permits, zoning and conditional use approvals, and background studies, surveys and data collection needed to achieve project objectives.

Theran Stautz is a Senior Ecologist with a B.S. degree in Natural Resources from the University of Wisconsin – Madison and has over 17 years of ecological experience conducting wetland delineations, monitoring, native habitat restoration, and forestry. He is a Professional Wetland Scientist (PWS) with the Society of Wetland Scientists, and a Wisconsin Department of Natural Resources (WDNR) Assured Wetland Delineator.

Kaley DuCoeur is a Senior Ecologist with a B.S. degree in Environmental Science from California University of Pennsylvania and has over 7 years of ecological field experience conducting native and invasive species surveys, native plant restorations, wetland restorations, storm water and erosion control device inspections, wetland delineations, and rare, threatened and endangered species surveys. She also performs project management of and compiles complex permitting for both linear and non-linear projects throughout Wisconsin, West Virginia, and Pennsylvania.

2.0 Methods

The work conducted for this wetland and waterway delineation was conducted in accordance with the guidelines of the 1987 Corps of Engineers Wetland Delineation Manual (Environmental Laboratory, 1987) and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (Version 2.0, 2012) and in general accordance with WDNR guidelines. National Wetland Indicator status and taxonomic nomenclature were prepared in accordance with The National Wetland Plant List (Version 3.4, 2018). National Wetland Indicator status was assigned in accordance with the Northcentral and Northeast Region. Indicators of hydric soil are based on the Field Indicators of Hydric Soils in the United States (Version 8.2, 2018). This report was prepared by R/M in general accordance with the guidelines set forth in the “Guidance for Submittal of Delineation Reports to the St. Paul District Corps of Engineers and the Wisconsin Department of Natural Resources” document, issued March 4, 2015.

2.1 Desktop Review

Prior to conducting fieldwork, several resources were reviewed including the ESRI World Topographic Map (Appendix A, Figure 1), Contour Map (Appendix A, Figure 3), Wisconsin Wetland Inventory (WWI) and Waterways Map (Appendix A, Figure 4), Natural Resource Conservation Service (NRCS) Soil Survey and Wetland Indicator Soils Map (Appendix A, Figure 5) and Aerial Photo Maps (Appendix A, Figures 6A-C).

The Antecedent Precipitation Tool (APT) and recent daily precipitation data were used to determine if antecedent hydrologic conditions at the time of the site visit were normal, wetter, or drier than the normal range (Appendix B).

The NRCS Web Soil Survey was used to generate a list of soil map units and all associated components occurring within the Project Area (Appendix C). This list was analyzed for soil map units and components that are hydric.

2.2 Field Investigation

Sampling points were placed in areas exhibiting wetland and upland characteristics to document the presence and/or absence of wetlands and to provide support for the delineated wetland boundaries. At each sampling point, data were collected to document the vegetation, soil profile and hydric soil indicators, and wetland hydrology indicators.

In accordance with the National Wetland Plant List (Version 3.4, 2018), plant species were identified at each sample point. Wetland indicator status for each was assigned, as applicable: obligate wetland (OBL), facultative wetland (FACW), facultative (FAC), facultative upland (FACU), or upland (UPL). Soil pits were dug to the depth needed to document wetland hydrology and hydric soil indicators or confirm the absence of indicators. Soil color was determined using a Munsell soil color chart, and the soil pit was left open for at least a half hour to allow for the observation of wetland hydrology indicators.

Photos were taken of each sampling point and representative upland and wetland areas (Appendix D). Sampling point data was entered into the EcoBot wetland data collection application and data sheets for the Northcentral Northeast Regional Supplement were generated (Appendix E).

The wetland boundaries were delineated and staked using wire pin flags and/or flagging tape. Upland-wetland boundaries were evaluated in accordance with differences in the abundance of hydrophytic and non-hydrophytic vegetation, presence or absence of hydric soil indicators, presence or absence of hydrological indicators, topography, and professional judgement. A Trimble R2 survey -grade GPS unit with ESRI ArcGIS Field Maps was used to locate the wetland boundaries and sampling points.

3.0 Results

3.1 Desktop Review

The ESRI World Topographic Map (Figure 1) indicates the Project Area is located within Town of Elba, Dodge County. One contiguous wetland bisected by an access road is shown within the Project Area. The Dodge County two-foot contours indicate elevations ranging from 828 to 836 feet above sea level. The delineated wetland boundary occurs near the 830 foot contour.

The WDNR WWI indicates an emergent / wet meadow (E1K) and a grazed emergent / wet meadow (E1Kg) within the Project Area.

Aerial imagery was reviewed for the years 1999, 2006, 2013, 2015, 2017, and 2020. This review determined that the existing access road is located within a historical wetland. This wetland still exists to the east and west of the access road. The access road was constructed prior to 1999.

The APT determined that antecedent precipitation was normal. Precipitation for the 14 days prior to the April 13th site visit was 1.66 inches. Based on this analysis, the antecedent hydrologic conditions were within the normal range for this time of year.

3.2 Field Investigation

3.2.1 Site Description

Based on the desktop review, areas with potential wetland indicators in the Project Area were evaluated in the field by R/M ecologists on April 13, 2021. No agency consultation or wetland delineations are on record for this Project Area.

The Project Area consists of an existing and recently improved access road, a culvert, the ingress/egress from the highway, wetland, and farmland. From north to south, the project area generally starts upland, drops into the wetland and then exits to upland. Precipitation of 1.25 inch was recorded within 48 hours prior to the site visit.

Five sampling points were established to document upland and wetland communities within the Project Area. One wetland feature was delineated within the Project Area: a wet meadow/sedge meadow/shallow marsh complex (Wetland 1 – 32,037.3 ft²).

3.2.2 Uplands

Upland plant communities observed in the Project Area include mowed road right-of-ways, farm field edge, and access roads. Dominant vegetation includes reed canary grass (*Phalaris arundinacea*), Kentucky bluegrass (*Poa pratensis*), and bur oak (*Quercus macrocarpa*).

Normal circumstances are not present at the Sampling Point 1 and 5. Sampling Point 1 is regularly mowed and Sampling Point 5 is within an upland field edge and access road. Wetland hydrology was present at Sampling Point 1, which may be due to recent rain fall. Hydric soil indicators were not observed at either upland sampling point.

3.2.3 Wetlands

Wet Meadow / Sedge Meadow / Shallow Marsh Complex

The delineated wetland is approximately 0.74 acres in size (within the project area). The wetland is mapped by the WWI as emergent/wet meadow wetland and grazed emergent/wet meadow wetland. Sampling Points 2, 3 and 4 are located within the wetland.

The dominant vegetation at the sampling points within the wetland are reed canary grass, broom sedge (*Carex scoparia*), sawtooth sunflower (*Helianthus grosseserratus*), grey dogwood (*Cornus foemina*), fire cherry (*Prunus pensylvanica*), box elder (*Acer negundo*), and black willow (*Salix nigra*). The shallow marsh portion of the wetland is dominated by hybrid cattail (*Typha x glauca*).

Two primary (High Water Table and Saturation) and two secondary wetland hydrology indicators (Geomorphic Position and FAC-Neutral Test) are present at the sampling points.

The soil profiles meet the Thick Dark Surface and Loamy Mucky Mineral hydric soil indicators.

3.2.4 Wetland Susceptibility Per NR 151

Appendix F lists a professional opinion on wetland susceptibility, based on a request by the WDNR, to do so per revised NR 151 guidance (Guidance #3800-2015-02). Wetland 1 is *moderately* susceptible. Wetland susceptibility definitions can be found in Appendix F. Please note that the final determination of wetland susceptibility rests with the WDNR.

4.0 Conclusions

Based on the wetland delineation completed by R/M, one wetland feature was identified within the Project Area: a wet meadow/sedge meadow/shallow marsh (Wetland 1 – 32,037.3 ft²).

Wetlands and/or waterways are potentially subject to federal regulation under the jurisdiction of the USACE, state regulation under the jurisdiction of WDNR, and local regulation under the jurisdiction of a county, town, city, or village. Earth-disturbing activities in a delineated wetland or below the Ordinary High-Water Mark of other aquatic resources may require USACE and WDNR permits, as well as local government permits. Waterways, when present, may be subject to Wis. Admin. Code Ch. NR 151 regulation.

Theran Stautz, lead delineator and report author, is a WDNR Assured Wetland Delineator. His work is not subject to concurrence review by the WDNR. Per communication with USACE staff, requests for federal concurrence are not recommended unless the project will be associated with a wetland fill permit application.

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- WDNR. 2016. *Waterway/Wetland, Concentrated Animal Feeding Operation (CAFO) and Storm water Management Program Wetland Screening and Delineation Procedures*. Bureau of Watershed Management Program Guidance.
- WDNR. 2015. *Waterway/Wetland, Guidance for the Establishment of Protective Areas for Wetlands in Runoff Management Rules, Wisconsin Administrative Code NR 151*. Bureau of Watershed Management Program Guidance, Stormwater Management Program.

Site Photographs

Project Name Hwy 16 Driveway	Site Location Town of Elba, Dodge County	Project No. 5214-10000
---------------------------------	---	---------------------------


Photo No.	Date	
0413211038a_HDR	4/13/2021	
Description		
<p>Sampling Point 2 on the left, Sampling Point 1 on the right. Viewing west along the wetland/upland boundary.</p>		

Photo No.	Date	
0413211038a	4/13/2021	
Description		
<p>Looking south toward Sampling Point 1 (foreground), northern wetland boundary (pink flags), Sampling Point 2, and access road.</p>		

Site Photographs

Project Name Hwy 16 Driveway	Site Location Town of Elba, Dodge County	Project No. 5214-10000
---------------------------------	---	---------------------------

Photo No.	Date
0413211039_HDR	4/13/2021

Description
 Sampling Point 3, wet meadow/sedge meadow/shallow marsh complex. Viewing southwest.



Photo No.	Date
0413211024a	4/13/2021

Description
 Recently installed culvert midway along access road, viewing southeast.



Site Photographs

Project Name
Hwy 16 Driveway

Site Location
Town of Elba, Dodge County

Project No.
5214-10000

Photo No.	Date
0413211024b	4/13/2021

Description

Debris from recently installed culvert midway along access road, viewing east.



Photo No.	Date
0413211020	4/13/2021

Description

Sampling Point 4., wet meadow/sedge meadow/shallow marsh complex. Viewing south. Upland and sampling point 5 in the background.



Site Photographs

Project Name
Hwy 16 Driveway

Site Location
Town of Elba, Dodge County

Project No.
5214-10000

Photo No.	Date
0413211018	4/13/2021

Description

Sampling Point 5 (foreground), southern wetland boundary (pink flags), and access road. Viewing north.



Photo No.	Date
0413211018_H DR	4/13/2021

Description

Upland on the left, Wetland on the right. Viewing west along the upland/wetland boundary.



Site Photographs

Project Name
Hwy 16 Driveway

Site Location
Town of Elba, Dodge County

Project No.
5214-10000

Photo No.	Date
0413211022_ HDR	4/13/2021

Description

Drain tile outlet installed under south end of the access road, draining to west side of access road. Viewing east.



Wildcrest LLC
Town of Elba, 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 assumes no liability for any use or misuse of this information.

1734-000
HEIN FARMS
62.5 ac.

17

O'CONNOR

STATE ROAD 16 & 60 (16) (60)

2022-000
HENKE
32.8 ac.

2021-000
WILCREST LLC
30.7 ac.


2012-000
NEHMER
34.9 ac.

20

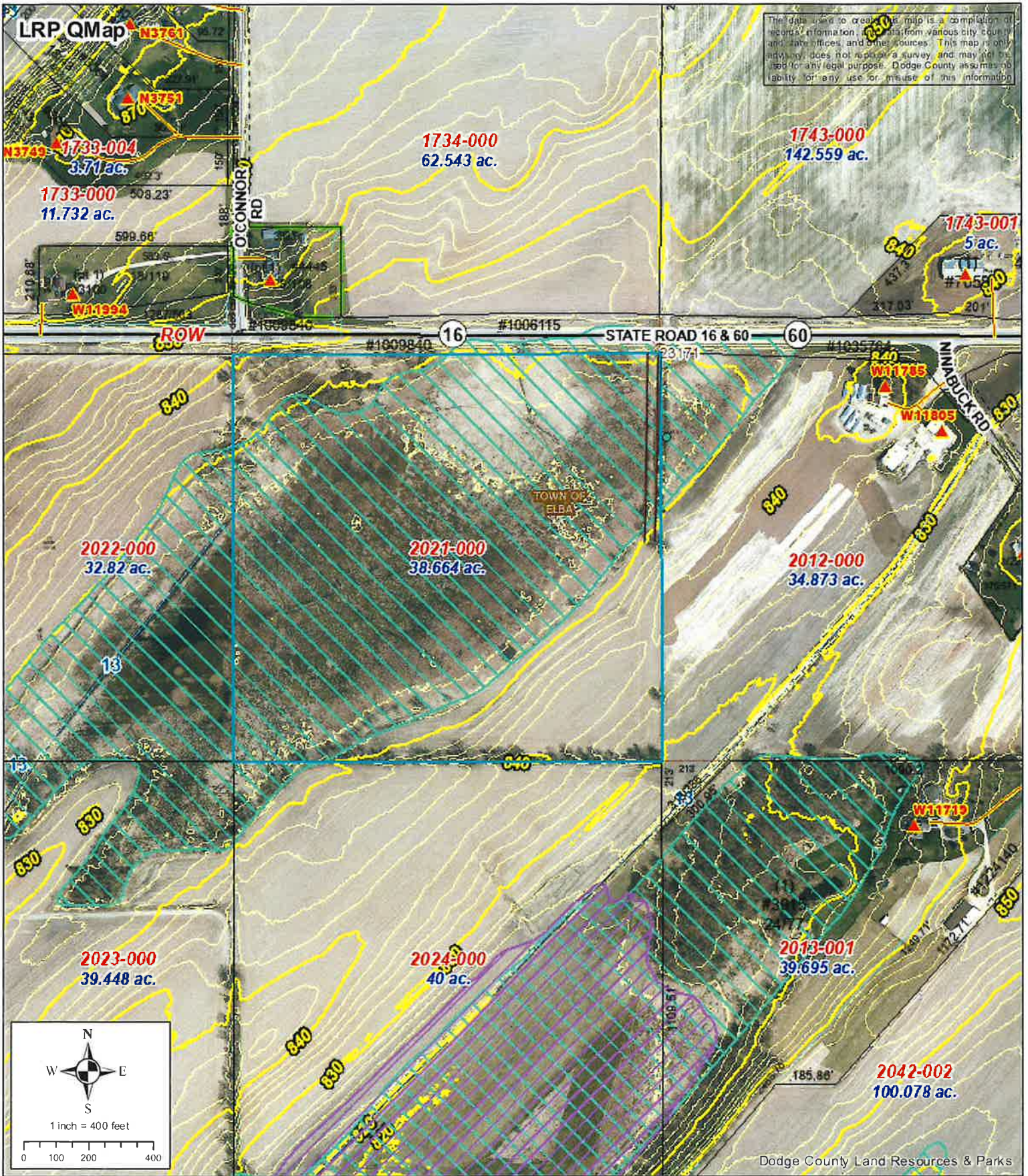
2023-000
HENKE

2024-000
HENKE
40 ac.

-  Wildcrest LLC Property
-  Tax Parcels
-  DNR Wetland
-  Area to be Removed From Wetland



0 100 200
Feet
1 inch equals 200 feet



The data used to create this map is a compilation of records information 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	FE MA 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

Appendix A: Figures

18 10 13

17 10 13

19 10 13

20 10 13



State Plane Wisconsin

State Plane Wisconsin

State Plane Wisconsin

State Plane Wisconsin

State Plane Wisconsin

State Plane Wisconsin

State Plane Wisconsin

State Plane Wisconsin

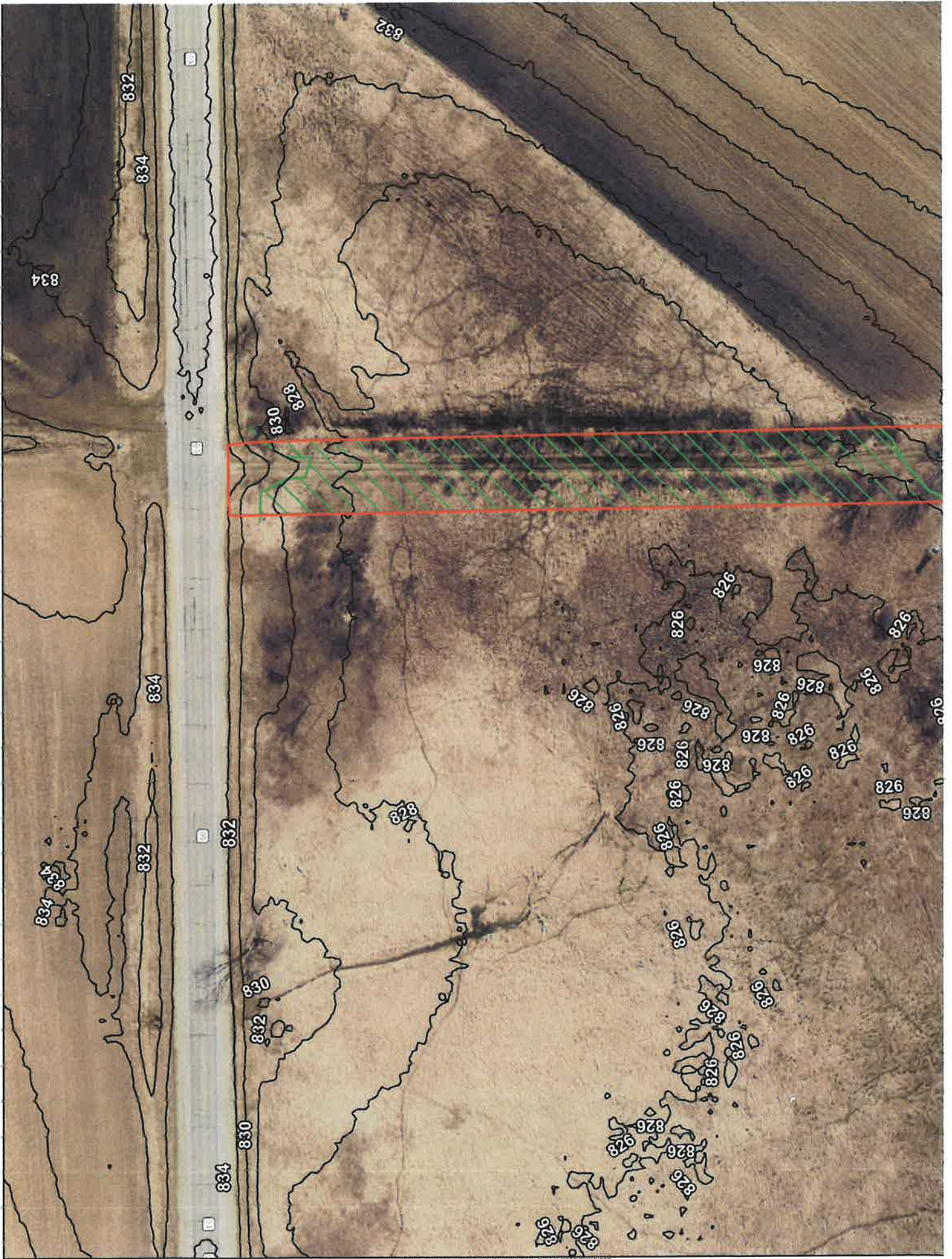
State Plane Wisconsin

State Plane Wisconsin

State Plane Wisconsin

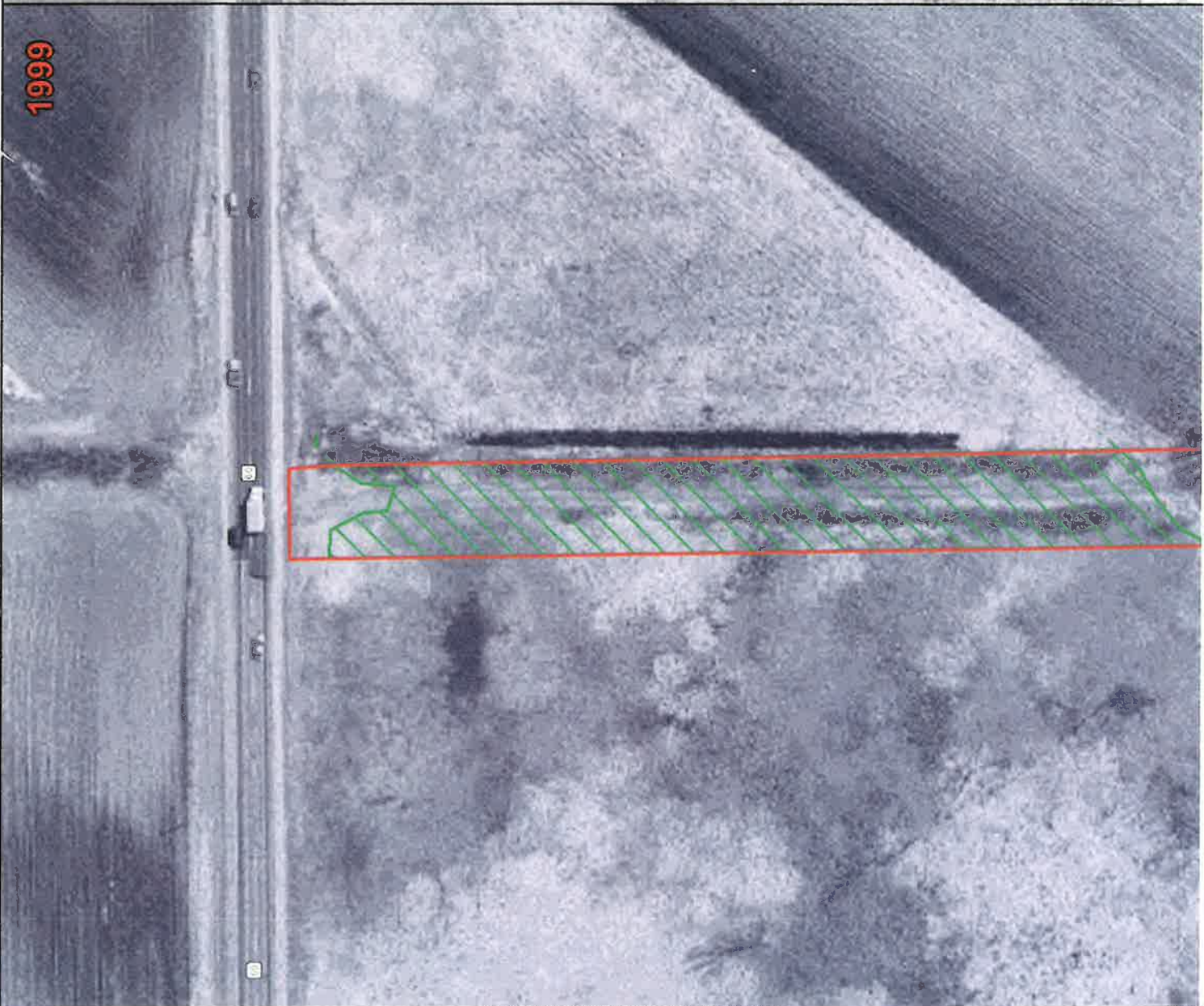
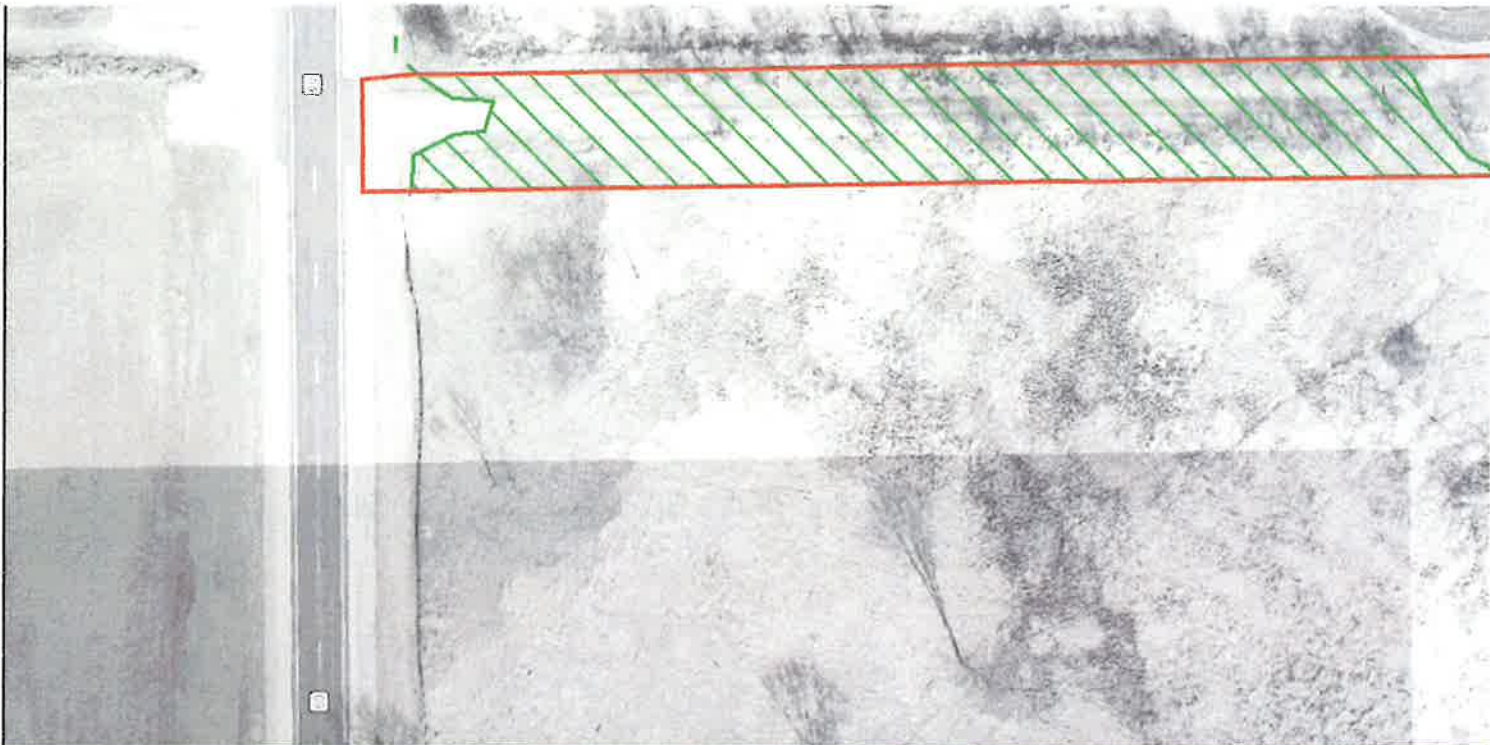
State Plane Wisconsin



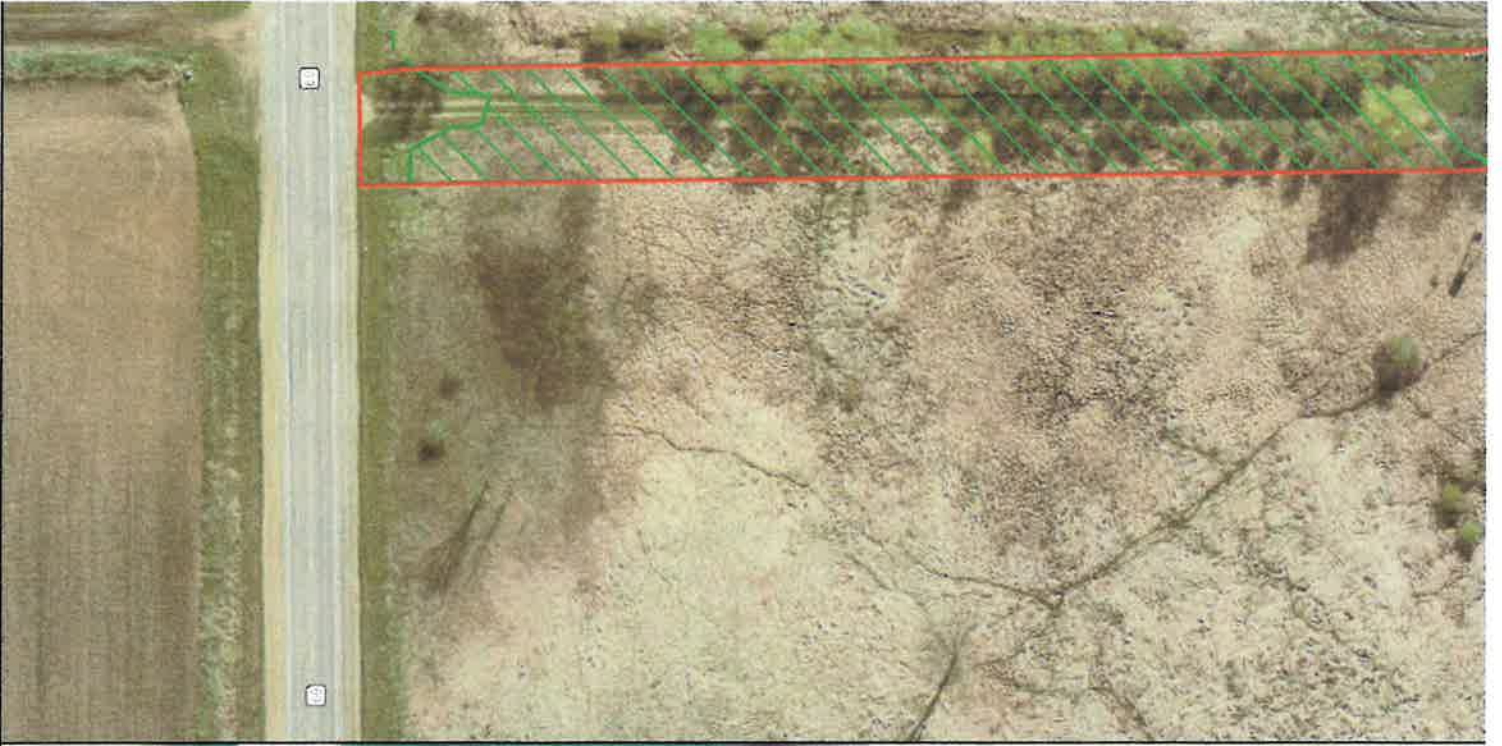




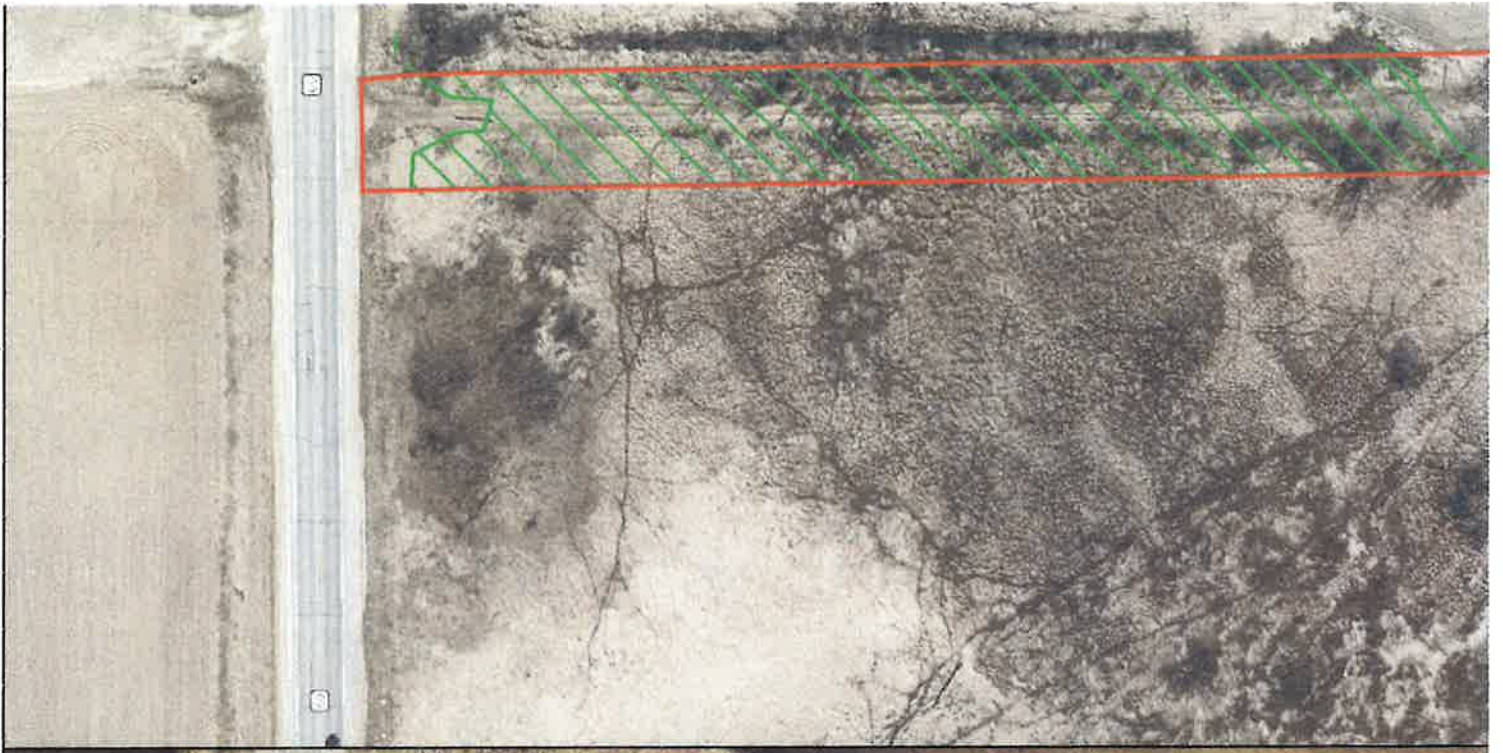




1999



2013



2017

**DODGE COUNTY LAND RESOURCES AND PARKS COMMITTEE
MINUTES
December 12, 2022**

The Dodge County Land Resources and Parks Committee met on **December 12, 2022** at 7:00 p.m. on the 1st Floor of the Administration Building, Juneau, Wisconsin.

Call to Order: Chair Mary Bobholz called the meeting to order at 7:00 PM.

Members present: Mary Bobholz, Dale Macheel, Donna Maly and Dan Siegmann.

Members absent: Benjamin Priesgen

Staff present: Bill Ehlenbeck - Director, Joseph Giebel – Manager of Code Administration,

Others present: David Frohling – County Board Supervisor, Members of the public for the public hearings.

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.

LAND INFORMATION

- A. Approve spending on EVAAL Soil Erosion Vulnerability Assessment in the amount of \$28,900.

Resolution #2022-12-200L

Resolved that the Agreement for Professional Services through Ayres Associates Inc for a Soil Erosion Vulnerability Assessment to produce 43 HUC12 (Hydrologic Unit Codes) at a cost of \$28,900.00 is hereby approved. The proposal by Ayres is the second phase of producing derivative products from the 2017 LiDAR with a culvert inventory completed in 2022 (was required to complete this second dataset). A total of \$35,500.00 was budgeted in 2023 for additional LiDAR derivative products. \$1068.00 is anticipated to be funded from a 2023 WLIP Grant with the remaining \$27,832 to be paid for through monies collected from retained fees. This money is non-lapsing and is to be used for Land Information programs with no impact on the general fund.

The Land Information Manager is hereby authorized to execute the Professional Services Agreement with Ayres Associates Inc for a Soil Erosion Vulnerability Assessment to produce 43 HUC12 (Hydrologic Unit Codes) in the amount of \$28,900.00 according to the November 17, 2022 Agreement for Professional Services. Costs are to be charged to account 100-10-82-8230-00000-00-526700, CONTRACTUAL SERVICES.

Motion by Mary Bobholz to approve Resolution #2022-12-12-200L as proposed.

Second by Donna Maly Vote: 3:1 (Dan Siegmann) Motion carried.

The hearing procedures were read into the record.

PUBLIC HEARING

Steven Gentz, agent for Gentz Living Trust and Clarence Arndt – Request to rezone a total of approximately 14.2-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 an approximate 14.2-acre non-farm residential lot. The site to be rezoned is known as Lot 1, CSM 7068 in V48 P244, and unplatted lands being located in part of the NW ¼ of the NW ¼, Section 31, Town of Oak Grove, the site address being W7271 County Road I.

Motion by Mary Bobholz to submit a favorable recommendation to the County Board of Supervisors on the request to rezone a total of approximately 14.2-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 an approximate 14.2-acre non-farm residential lot.

Second by Dale Macheel Vote 4-0 Motion carried.

A favorable recommendation shall be forwarded 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;

TOWN REZONING REQUESTS

Town Rezoning Petition – **Lila Vanderloop** – Part of the NE ¼ of the SW ¼, Section 18, Town of Theresa, Dodge County, Wisconsin. A petition to rezone approximately 4.54-acres of land under the Town of Theresa 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 Theresa Town Board to the Dodge County Board of Supervisors for approval to allow for the creation of a non-farm residential lot. 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 4.54-acres of land under the Town of Theresa 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 San Siegmann Vote 4-0 Motion carried.

A favorable recommendation shall be forwarded to the County Board on the rezoning petition as proposed.

TOWN REZONING REQUESTS

Town Rezoning Petition – **Richard and Diane Steger** – Part of the NW ¼ of the SW ¼, Section 15, Town of Theresa, Dodge County, Wisconsin. A petition to rezone approximately 66.75-acres of land under the Town of Theresa Zoning Ordinance, from the R-D Rural Development, A-2 General Agricultural and the R-2 Residential Zoning District to the R-D Rural Development Zoning District has been submitted by the Town of Theresa Town Board to the Dodge County Board of Supervisors for approval to bring the recently enlarged lot under the same zoning district. Committee review and recommendation to the County Board.

Motion by Mary Bobholz to submit a favorable recommendation to the County Board of Supervisors for the request to rezone approximately 66.75-acres of land under the Town of Theresa Zoning Ordinance, from the R-D Rural Development, A-2 General Agricultural and the R-2 Residential Zoning District to the R-D Rural Development Zoning District to bring the recently enlarged lot under the same zoning district.

Second by Dale Macheel Vote 4-0 Motion carried.

A favorable recommendation shall be forwarded to the County Board on the rezoning petition as proposed.

PARK SYSTEM

A. Park Plan Update

Bill Ehlenbeck provided the Committee with an update on the Park Plan. Focus groups are scheduled for this week. Three one-hour sessions will be held between 4 and 7 PM. The parks survey will be open through next week. After the survey is closed, the staff will meet with the consultant to discuss the survey and focus group responses.

B. Review and approve proposed 2023 Equipment Resolutions;

Resolution #2022-12-12-100P

Resolved that the State Contract bid from John Deere Company through Mid-State Equipment, for a 2023 John Deere Gator XUV835M for Derge Park at a cost of \$19,968.23 is hereby approved. The John Deere Gator XUV835M was reviewed against the closest comparable Kubota RTV X900. With comparable prices, the John Deere Gator XUV835M is determined to be the most advantageous for Dodge County based on cost; available accessories, maintenance, and efficiency and to maintain uniformity with current equipment. The bid for the John Deere Gator XUV835M includes the trade in of a 2000 John Deere TS 4x2 Gator, valued at \$2039.37. Requested options and accessories are listed in the attached quote. A net total of \$20,200 has been budgeted for this purpose.

The Land Resources and Parks Director is hereby authorized to purchase a 2023 John Deere Gator XUV835M according to the November 28, 2022 quote in the amount of \$19,968.23. Costs are to be charged to account 100-50-82-8240-00000-14-586000, Capital Machinery & Equipment.

Motion by Mary Bobholz to approve Resolution #2022-12-12-100P as proposed.

Second by Donna Maly Vote: 4-0 Motion carried.

Resolution #2022-12-12-200P

Resolved that the SourceWell Contract #031121 – SCG offered through Mid-State Equipment, for two 2023 Scag Turf Tiger II Zero Turn Mowers for Astico Park and Derge Park at a cost of \$25,730.00 is hereby approved. The Scag Turf Tiger II Zero Turn Mowers were reviewed against the closest comparable, John Deere Z970R ZTrak. With comparable prices, the Scag Turf Tiger II Zero Turn Mowers were determined to be the most advantageous for Dodge County based on cost, available accessories,

maintenance, efficiency and to maintain uniformity with current equipment. The bid for the Scag Turf Tiger II Zero Turn Mowers includes the trade in of a 2011 Kubota ZD 331 Diesel Zero Turn Mower, valued at \$2,500.00 and the trade in of a 2014 Kubota ZD 326 Diesel Zero Turn Mower valued at \$2,500.00. Requested options and accessories are listed in the quote. A net total of \$30,000.00 has been budgeted for this purpose, including \$15,000.00 for Astico Park and \$15,000.00 for Derge Park.

The Land Resources and Parks Director is hereby authorized to purchase two 2023 Scag Turf Tiger II Zero Turn Mowers according to the November 30, 2022 quote in the amount of \$25,730.00. Costs are to be charged to account 100-50-82-8240-00000-11-586000, Capital Machinery & Equipment (12,865.00) and account 100-50-82-8240-00000-14-586000, Capital Machinery & Equipment (12,865.00)

ADMINISTRATIVE BUSINESS

1. Anticipated Budget Carryovers;
Bill Ehlenbeck provided the Committee with a handout showing the estimated 2022 budget carryover amounts for the Department. Bill stated that per policy, the estimated carryover amounts were provided to Finance Department and presented to the Finance Committee. Final amounts will be determined by February and brought to County Board.
2. The minutes from the November 28, 2022 meeting were reviewed by the Committee.

Motion by Donna Maly to approve the minutes as written.

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

3. No Committee Member Reports
4. No additional Per Diems.

FUTURE MEETING SCHEDULE

1. The December 26, 2022 meeting has been cancelled.
2. Monday, January 9, 2023 – 7:00 p.m. • Rooms 1H/1I • 1st Floor, Administration Building
• Juneau, WI – Public Hearings

Motion by order of the Chair to adjourn the meeting.

Meeting adjourned at 7:49 PM p.m.

Respectfully Submitted,

Secretary

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

Land Resources and Parks Department

January 23, 2023

Request for extension of land use and conditional use permit permits due to COVID related issues

The Department continues to receive requests from Dodge County residents for flexibility in the permit expiration dates for land use and conditional use permits or for a reduced permit fee for permit renewal applications for those projects that have been delayed for COVID related reasons.

The current Land Use Code requirements are as follows:

Land Use Permits

2.3.5.H Expiration of Approval

All Land Use Permits shall expire within one year.

2.3.6.I Expiration of Conditional Use Permits

Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, however, the County may impose conditions such as the permit's duration, transfer or renewal, in addition to any other conditions specified in the Code.

2.3.6.I.1 The decision of the Committee to approve or conditionally approve a Conditional Use Permit request shall expire one year after the decision is filed with the Department or at such alternative time specified in the approval unless:

2.3.6.I.1.a Construction has been diligently pursued;

2.3.6.I.1.b A Certificate of Zoning Compliance has been issued;

2.3.6.I.1.c. The use is established; or

2.3.6.I.1.d The Conditional Use Permit is renewed, for a period not to exceed one year.

2.3.6.I.2 A Conditional Use Permit also shall expire upon termination of a project or if the rights granted by the permit are discontinued for 180 consecutive days.

If a permit expires, the applicant is currently required to submit an application for a new permit and the fee is based on the proposed construction cost of the remaining portion of the project to be completed.

The staff is requesting input from the Committee to determine if the Committee believes that the Code should be amended to allow for the extension of land use or conditional use permit for an extended period of time or if an amendment to the fee ordinance could be done to establish a lower the fee for a permit renewal application to reduce the financial impact on the applicant if a project cannot be completed within 1 year.

Current fee: Land Use Permit: \$50.00 plus \$2.00 per \$1000.00 cost of construction
Conditional Use Permit: \$350.00