

**DODGE COUNTY LAND RESOURCES AND PARKS COMMITTEE
MINUTES
February 27, 2023**

The Dodge County Land Resources and Parks Committee met on February 27, 2023 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, Benjamin Priesgen and Dan Siegmann.

No other County Board members in attendance requesting a per diem.

Staff present: Joseph Giebel – Manager of Code Administration

Others present: 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.

ADMINISTRATIVE BUSINESS

1. Provide Committee Update - Briefing Schedule – Katrina Dalgren vs. Dodge County et. al.

Joe Giebel provided the Committee with a copy of correspondence from Kimberly Nass - Dodge County Corporation Counsel and from the Dodge County Clerk of Circuit Court regarding the telephone briefing schedule for Case No. 2022CV000289 – Katrina Dalgren vs. Dodge County et al

2. The minutes from the February 13, 2023 meeting were reviewed by the Committee.

Motion by Mary Bobholz to approve the minutes as written.

Second by Ben Priesgen

Vote: 4-0 (Siegmann not present for vote) Motion carried.

The hearing procedures were read into the record.

PUBLIC HEARING

Michael Thurow, agent for Dorothy Thurow – Request to rezone approximately 2.18-acres of land from the A-1 Prime Agricultural Zoning District to the A-2 General Agricultural Zoning District to allow for the creation of a non-farm residential lot. The site is located in part of the SE ¼ of the NE ¼, Section 12, Town of Lebanon, the site address being N1903 Kohler Road.

Motion by Dan Siegmann to submit a favorable recommendation to the County Board of Supervisors on the request to rezone approximately 2.18-acres of land from the A-1 Prime Agricultural Zoning District to the A-2 General Agricultural Zoning District to allow for the creation of a non-farm residential lot.

Second by Donna Maly Vote 5-0 Motion carried.

On the basis of the 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;

PUBLIC HEARING

WD Navis Inc., agent for Lary Zimmerman - Request for a Conditional Use Permit under the Land Use Code, Dodge County, Wisconsin to allow for crushing of the waste stone material located within the existing non-metallic mine at this location that is not suitable for landscaping stone so that it can be sold for stone aggregate and to allow for the expansion of the mine area to allow additional area for the stockpiling of the overburden material until it can be used for reclamation of the mine site.

Motion by Mary Bobholz to approve the conditional use permit to allow for crushing of the waste stone material located within the existing non-metallic mine at this location that is not suitable for landscaping stone so that it can be sold for stone aggregate and to allow for the expansion of the mine area to allow additional area for the stockpiling of the overburden material until it can be used for reclamation of the mine site subject to the following conditions:

1. The business operation shall be conducted without the risk of fire, explosion or other accident and shall not be detrimental to the public health, safety or general welfare of the immediate neighborhood or community;
2. A valid non-metallic mining plan in accord with Subsection 4.12 shall be maintained for this non-metallic mining operation;
3. The business shall be operated in accord with the business operation approved with CUP #2007-0133 and CUP #2016-0047 as amended with this approval;
4. All erosion control measures required by the applicable Federal, State, County and local codes shall be in place and shall be maintained throughout the duration of the operation in accord with Best Management Practices;
5. Dust control measures such as watering or oiling shall be taken by the applicant during the quarry operation to minimize dust from this site;
6. The applicant shall reimburse the County and/or the Town for any and all repairs and reconstruction required to the public haul roads that will be used for the operation of the Quarry. A qualified independent third party, agreed to by the County, Town and applicant, and paid for by the applicant, shall be hired to inspect the roadways to be

used during the operation of the quarry. A copy of an agreement between the applicable County and Town highway departments and the applicant regarding the evaluation and documentation of road condition, the required maintenance, reconstruction and repair requirements for the haul roads shall be submitted to the Department prior to beginning the quarry operation. Any road damage done by the applicant or its contractors or subcontractors shall be repaired or reconstructed at the applicants expense in accord with the agreement;

7. Any significant change to or expansion of the business operation, designated mine area and/or of its facilities may require that a new Conditional Use Permit be obtained.
8. The decision of the Committee shall expire one year after the decision is filed with the Department unless construction has been diligently pursued, a Certificate of Zoning Compliance has been issued, the use is established, or the Conditional Use Permit is renewed, for a period not to exceed one year.

Second by Dale Macheel Vote 5-0 Motion carried.

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.

OTHER BUSINESS

1. No Committee Member Reports
2. No additional Per Diems.

FUTURE MEETING SCHEDULE

1. Monday, March 13, 2023 – 7:00 p.m. • Rooms 1H/1I • 1st Floor, Administration Building • Juneau, WI – Public Hearings
2. Monday, March 27, 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 7:39 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 Staff Report

County Rezoning Petition # 2023-0081

Filing Date: February 2, 2023

Hearing Date: March 13, 2023

Applicant (Agent):

Joyce Peirick
N2330 County Road R
Watertown, WI 53098

Owner:

Reinhard Wille
N2330 County Road R
Watertown, WI 53098

Location:

PIN# 026-0916-0424-000; 026-0916-0423-000;

Property Location: Part of the SE ¼ of the NW ¼, and part of the SW ¼ of the NW ¼, Section 4, Town of Lebanon, the site address being N2330 County Road R.

Applicants Request

A rezoning petition has been submitted by the applicant in order they be allowed to rezone approximately 14-acres of land from the A-1 Prime Agricultural zoning district to the A-2 General Agricultural zoning district under the Dodge County Land Use Code in order to allow for the creation of a 14-acre non-farm residential lot at this location. The 14-acre lot will contain an existing residence and agricultural buildings which are intended for non-farm residential use. The remaining approximate 32-acres will remain in agricultural use at this time.

Land Use Code Provisions

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

Purpose Statements

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

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

Physical Features of Site

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

The owner has approximately 128-acres of land at this location, with approximately 45.5-acres located along the east side of CTH R and 82.5-acres located along the west side of CTH R. A request has been submitted to allow for the creation of a 14-acre and a 31.5-acre lot from an existing approximate 45.5-acre lot located along the east side of CTH R.

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

The County has Shoreland Jurisdiction over portions of the remnant lands along the east side of CTH R.

- The proposed lots are not designated as wetlands.

County has Floodplain jurisdiction over portions of the remnant lands along the east side of CTH R.

- The proposed 14-acre lot is not designated as floodplain.

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

Land Use, Site: Residential and agricultural.

Land Use, Area: Agricultural with scattered residences along CTH R.

Designated Archaeological Site: Yes No

Density Standards

The base farm tract for this property contains approximately 128-acres within the A-1 Prime Agriculture Zoning District. The Code would allow a maximum of 6.09-acres for non-farm residential use under the conditional use permit process. Therefore, in this case, rezoning is required to allow for the creation of a 14-acre nonfarm residential lot at this location.

Town Recommendation

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

STAFF ADVISORY:

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

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

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

Exhibit A

2.3.4.I Approval Criteria

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

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

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

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

- It is the staff's position that the creation of a new lot containing an existing residence and buildings will not place an unreasonable burden on the ability of the Town to provide adequate public facilities or services;

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

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

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

- It is the staff's position that the area to be rezoned 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;

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

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

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

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

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

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

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

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

- It is the staff's position that the land is suited for a use not allowed in the A-1 Prime Agricultural Zoning District

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

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

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

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

2.3.4.J Approval by Affected Town Boards

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

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

Dodge County Planning, Development and Parks Committee Decision

County Rezoning Petition # 2023-0081

Filing Date: February 2, 2023

Hearing Date: March 13, 2023

Applicant (Agent):

Joyce Peirick
N2330 County Road R
Watertown, WI 53098

Owner:

Reinhard Wille
N2330 County Road R
Watertown, WI 53098

Location:

PIN# 026-0916-0424-000; 026-0916-0423-000;
Property Location: Part of the SE ¼ of the NW ¼, and part of the SW ¼ of the NW ¼, Section 4, Town of Lebanon, the site address being N2330 County Road R.

Applicants Request

A rezoning petition has been submitted by the applicant in order they be allowed to rezone approximately 14-acres of land from the A-1 Prime Agricultural zoning district to the A-2 General Agricultural zoning district under the Dodge County Land Use Code in order to allow for the creation of a 14-acre non-farm residential lot at this location. The 14-acre lot will contain an existing residence and agricultural buildings which are intended for non-farm residential use. The remaining approximate 32-acres will remain in agricultural use at this time.

CONCLUSIONS OF LAW

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

2.3.4.I Approval Criteria

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

(Yes / No / N/A);

Comments _____

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

(Yes / No / N/A);

Comments _____

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

(Yes / No / N/A);

Comments _____

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

(Yes / No / N/A);

Comments _____

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

(Yes / No / N/A);

Comments _____

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

(Yes / No / N/A);

Comments _____

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

(Yes / No / N/A);

Comments _____

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

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

(Residential / Agricultural)

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

Comments _____

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

(Yes / No / N/A);

Comments _____

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

(Yes / No / N/A);

Comments _____

2.3.4.J Approval by Affected Town Boards

Has the Town submitted a recommendation regarding this request?

(Yes / No)

Comments _____

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

Yes;

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

Committee Action

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

(Yes / No)

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

Motion second _____

Vote

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;
- shall provide a “No Recommendation” to the County Board on the proposed rezoning petition as proposed;

Dodge County Land Resources and Parks Committee

Signed _____ Attest _____
Chairperson Secretary

Dated: _____

Filed: _____



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

REZONING PETITION

THIS AREA FOR OFFICE USE ONLY	
Activity No. 230081	Application Date: 2-2-2023
	Receipt #: 6519-0007

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

NAMES & MAILING ADDRESSES	PROPERTY DESCRIPTION
Petitioner (Agent) Bob & Joyce Peirick	Parcel Identification Number (PIN) 026-0916-0424-000 & 0423-000
Street Address 10330 Cty Rd R	Town Lebanon
City • State • ZipCode Watertown WI, 53098	Section 4
Property Owner (If different from petitioner)	Subdivision or CSM (Volume/Page/Lot)
Street Address	Address Of Property (DO NOT Include City/State/ZipCode)
City • State • ZipCode	Is this property connected to public sewer? <input type="checkbox"/> Yes <input type="checkbox"/> No

CONTACT PERSON

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

Name _____ Daytime Phone (____) _____ - _____

PROPOSED REZONING

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

Reason For Rezoning

To allow for the creation of a 14 Acre non-farm residential lot at this location

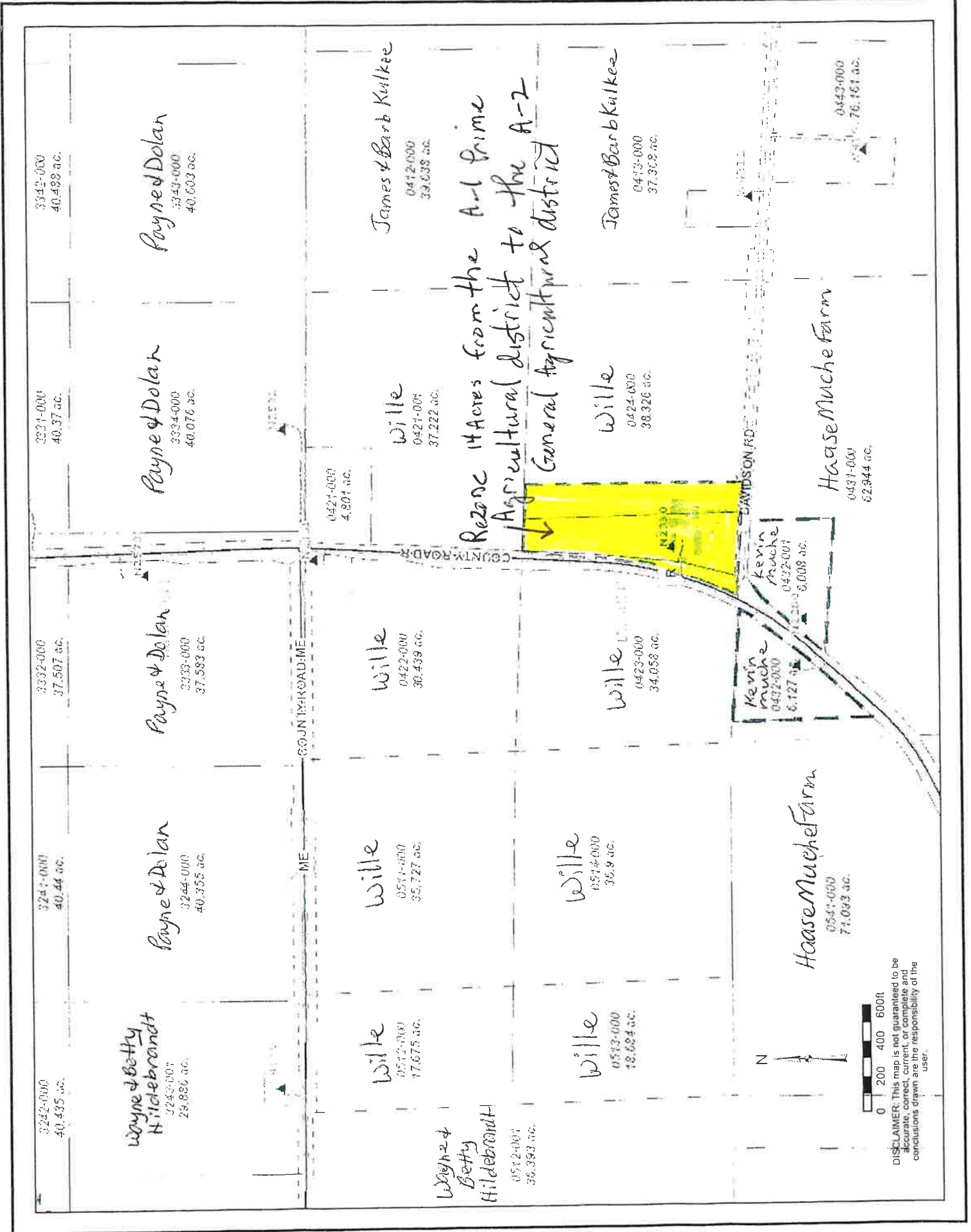
Please complete the site map on the reverse side of this sheet.

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 **Joyce E. Peirick** Date **2-2-23**
 Daytime Contact Number **(920) 261-9752**

◆ AREA BELOW THIS LINE FOR OFFICE USE ONLY ◆



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

Nov. 3 7:30 Town Board Meeting Wille L.D. Map #1



0541-000
71,083 ac.

0412-000
6,727 ac.

0332-001
0.008 ac.

02944 ac.

70.161 ac.

0412-000
39.638 ac.

0413-000
37.508 ac.

(2)
#5915
39/205

1200

1230

460

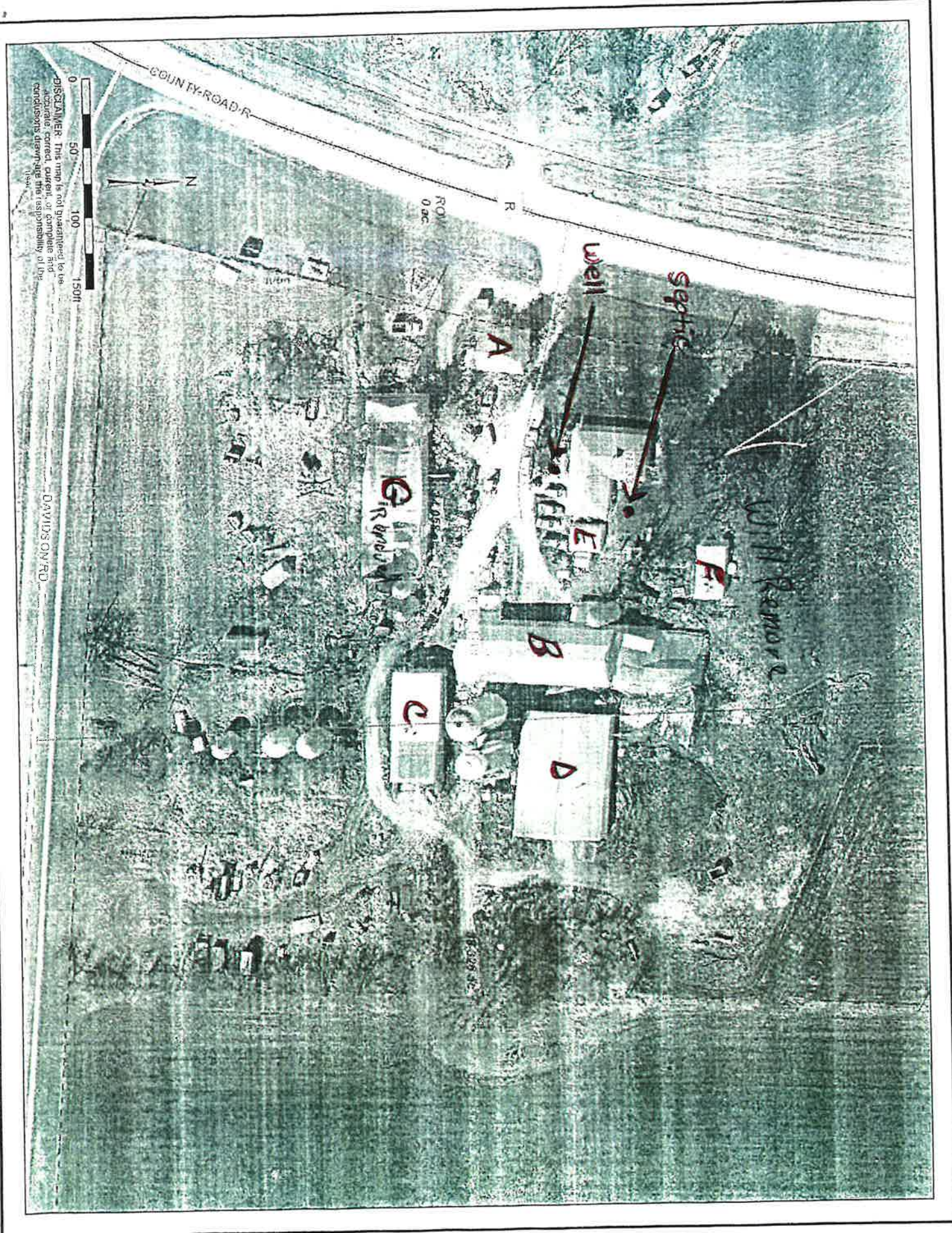
1560

COUNTY ROAD R

COUNTY ROAD

N

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

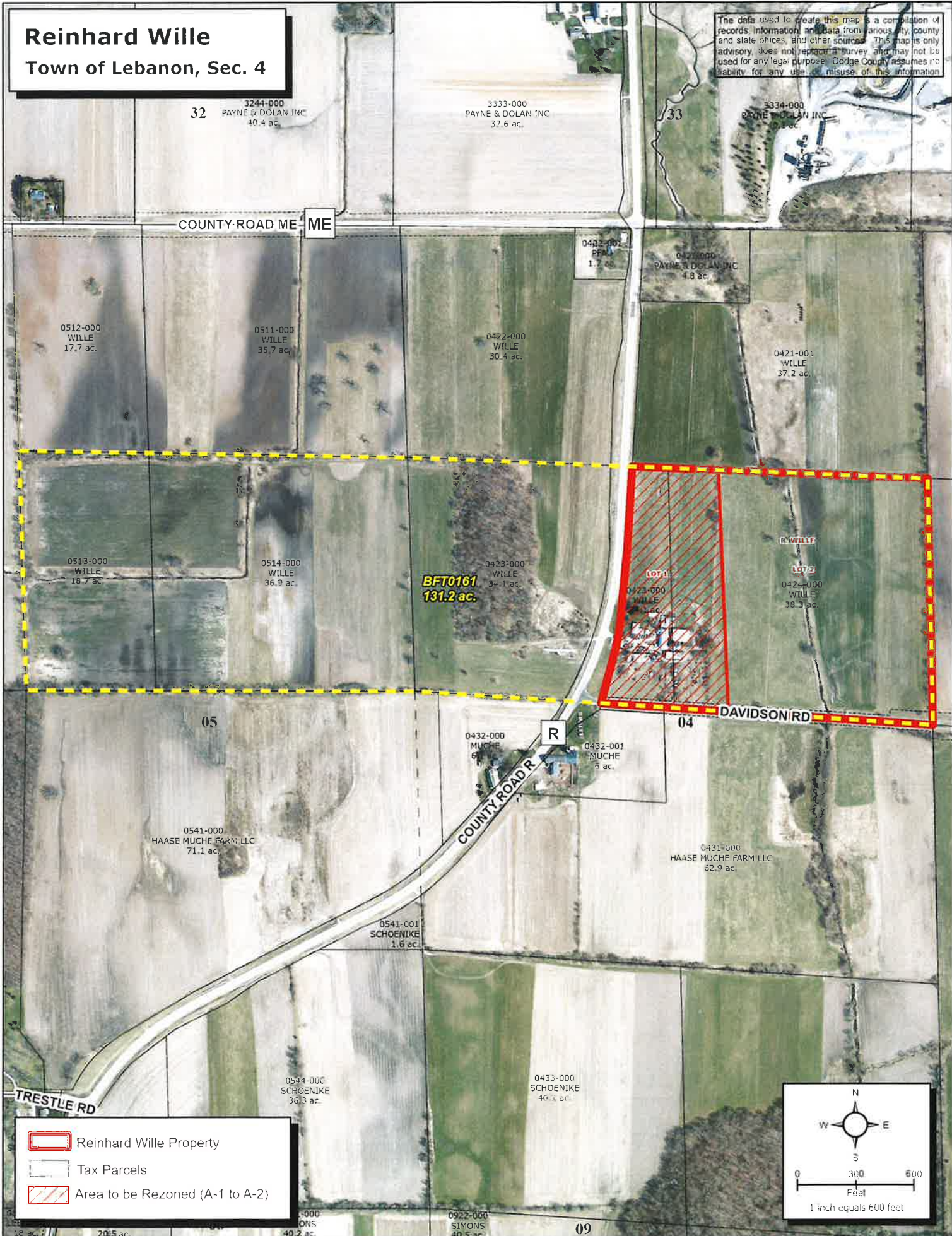



Willie L. D. Map #3

Reinhard Wille

Town of Lebanon, Sec. 4

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 represent a survey and may not be used for any legal purpose. Dodge County assumes no liability for any use or misuse of this information.



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

North Arrow

0 300 600
Feet

1 inch equals 600 feet

Land Resources and Parks Department Staff Report

County Conditional Use Permit Application # 2023-0089

Filing Date: February 6, 2023

Hearing Date: March 13, 2023

Applicant (Agent):

J.E.Arthur and Associates
548 Prairie Road
Fond du Lac, WI 54935

Owner:

Daniel and Yvonne Loduha
W2856 Lomira Dr.
Brownsville, WI 53006

Location:

PIN# 028-1316-1333-000; 028-1316-1334-000;

Property Location: SW ¼ of the SW ¼ and SE ¼ of the SW ¼, Section 13, Town of Leroy, the site address being W2856 Lomira Drive.

Applicants Request

An application for a County Conditional Use Permit was made by the applicant in order they be allowed to create an approximate 4-acre non-farm residential lot within the A-1 Prime Agricultural Zoning District. The proposed 4-acre lot will contain an existing residence and accessory buildings which are intended for non-farm residential use. The remaining 111+acres contains a wind tower and agricultural land which will remain in agricultural use at this time.

County Jurisdiction

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

Review Criteria

1. Subsections 2.3.6.A through 2.3.6.H of the Land Use Code details procedural matters, the approval criteria and the form for the conditional use permit application.
2. According to Section 3.7.4 of the Code, the Committee may authorize the Land Use Administrator to issue a Conditional Use Permit (CUP) for those conditional uses listed under Section 3.7.2 of this Code after review and a public hearing, provided that such conditional uses are in accordance with Section 2.3.6 of this Code and Wis. Stats. 91.46.

Land Use Code Provisions:

1. Section 3.7.2.D of the Land Use Code identifies proposals that convert a farm residence to a nonfarm residence through a change in occupancy as a conditional use in the A-1 Prime Agricultural Zoning District provided the proposal complies with the requirements listed in 3.7.2.D.1 through 3.7.2.D.3.

Purpose Statement

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

Physical Features of Site

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

The County has Zoning Jurisdiction over this site as the Town of Leroy 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 located within 300 feet of the ordinary highwater mark of a navigable stream.

- The proposed 4-acre lot is not designated as wetlands.

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

The base farm tract contains 115.127-acres that are located within the A-1 Prime Agricultural Zoning District;

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

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

Land Use, Site: Residential and agricultural.

Land Use, Area: Agricultural with scattered residences along Dairy Road and Lomira Drive.

Designated Archaeological Site: Yes No

Town Recommendation: Approve Deny No recommendation submitted

STAFF ADVISORY:

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

The staff has reviewed the proposal for compliance with the criteria listed in Sections 2.3.6.F and 3.7.2.D of the Dodge County Land Use Code and with Chapter 91.46 of the Wisconsin State Statutes. The staff comments are listed in Exhibit A for the Committee review.

It is the staff's position that the project as proposed is in compliance with the applicable provisions of the Dodge County Land Use Code and the provisions of Chapter 91.46 of the Wisconsin State Statutes and the staff believes that the Committee can make the findings necessary under Section 2.3.6.F and 3.7.2.D of the code that are required to approve the Conditional Use Permit for this project. If approved with the following conditions, the staff believes that the project will not have an adverse effect on the adjacent land owners, the community or the environment, and the proposal will be consistent with the purpose and intent of the Code.

CONDITIONS:

1. The applicant shall obtain the required land division approvals for the proposed lot from the County and local municipalities if required, prior to the creation of these lots;
2. The proposed non-farm residential lot shall not exceed 5.482-acres in area unless the lot is successfully rezoned out of the A-1 Prime Agricultural Zoning District;
3. Only one single family residential unit may be located on the proposed non-farm residential lot unless this lot is successfully rezoned into a zoning district which allows additional residential units;
4. The acreage of the proposed non-farm residential lot shall count towards the total non-farm residential acreage that can be created from the base farm tract for this property;
5. A "Notice of Zoning Limitations" document shall be recorded with the Dodge County Register of Deeds Office for the following parcels which make up the "base farm tract" which notifies the potential buyers of these parcels that there may be limitations as to the number of new lots that can be created from this base farm tract:
 - 028-1316-1333-000 and 028-1316-1334-000.
6. The owner and subsequent owners of this non-farm residential lot hereby agree to comply with Subsection 9.2, Right to Farm provisions of the Dodge County Land Use Code and that they will not cause unnecessary interference with adjoining farming operations producing agricultural products and using generally accepted agricultural practices, including access to active farming operations;
7. The decision of the Committee shall expire one year after the decision is filed with the Department 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.
8. 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 and 3.7.2 of the code. The staff comments are as follows:

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

	<u>Complies</u>	<u>Potential Problem</u>	<u>N/A</u>
Proposed Use:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.7.2.D.1 Non-farm residential acreage ratio:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none">• Acreage of Base Farm Tract: 115.127 acres;• Non-farm residential acreage: 0 acres;• Farm acreage remaining after project is completed: 4 acres;• The ratio of all “nonfarm residential acreage” to farm acreage: on the “base farm tract” shall not exceed 1 to 20 (0.05).<ul style="list-style-type: none">▪ Ratio of non-farm residential acreage to farm acreage: 1 to 28 or 0.03			
3.7.2.D.2 The total number of non-farm residential units on the base farm tract shall not exceed 4;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Existing non-farm residences on base farm tract:			
<ul style="list-style-type: none">• 0 - Number of existing non-farm residential units located on base farm tract;• 1 - Number of proposed non-farm residential units located on base farm tract;• 1 - Total number of non-farm residential units located on base farm tract;			
The total number of residential units of any kind on the base farm tract shall not exceed 5;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Existing residential units on base farm tract:			
<ul style="list-style-type: none">• 1 - Number of existing residential units located on base farm tract;• 0 - Number of proposed residential units located on base farm tract;• 1 - Total number of residential units located on base farm tract;			
3.7.2.D.3.a Location of the proposed lots:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Will the proposed nonfarm residential lot convert cropland or “prime farmland” into non-farm use;			
<input type="checkbox"/> Yes; <input checked="" type="checkbox"/> No;			
<ul style="list-style-type: none">○ If yes; are there reasonable alternative locations for the proposed lot that would convert less cropland or “prime farmland” into non-farm use?			
3.7.2.D.3.b Location of the proposed lots:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Will the location of the nonfarm residential lot significantly impair the current or future agricultural use of other “protected farmland”?			
<input type="checkbox"/> Yes; <input checked="" type="checkbox"/> No;			

Non-Farm Residential Cluster:

- The proposed parcels are contiguous;
- The proposed residences if constructed, would satisfy the requirements for a single non-farm residence;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Dodge County Land Resources and Parks Committee Decision

County Conditional Use Permit Application # 2023-0089

Filing Date: February 6, 2023

Hearing Date: March 13, 2023

Applicant (Agent):

J.E.Arthur and Associated
548 Prairie Road
Fond du Lac, WI 54935

Owner:

Daniel and Yvonne Loduha
W2856 Lomira Dr.
Brownsville, WI 53006

Location:

PIN# 028-1316-1333-000; 028-1316-1334-000;

Property Location: SW ¼ of the SW ¼ and SE ¼ of the SW ¼, Section 13, Town of Leroy, the site address being W2856 Lomira Drive.

Applicants Request

An application for a County Conditional Use Permit was made by the applicant in order they be allowed to create an approximate 4-acre non-farm residential lot within the A-1 Prime Agricultural Zoning District. The proposed 4-acre lot will contain an existing residence and accessory buildings which are intended for non-farm residential use. The remaining 111+acres contains a wind tower and agricultural land which will remain in agricultural use at this time.

CONCLUSIONS OF LAW

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

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

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

(Yes / No)

If no, the request shall be denied.

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

(Yes / No)

If no, the request shall be denied.

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

(Yes / No)

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

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

(Yes / No)

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

2.3.6.F General Approval Criteria for Conditional Use Permits

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

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

(Yes / No)

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

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

(Yes / No)

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

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

(Yes / No)

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

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

(Yes / No / Not Applicable)

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

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

(Yes / No/ Not Applicable)

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

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

(Yes / No)

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

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

(Yes / No)

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

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

(Yes / No)

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

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

(Yes/No)

1. The applicant shall obtain the required land division approvals for the proposed lot from the County and local municipalities if required, prior to the creation of these lots;
2. The proposed non-farm residential lot shall not exceed 5.482-acres in area unless the lot is successfully rezoned out of the A-1 Prime Agricultural Zoning District;
3. Only one single family residential unit may be located on the proposed non-farm residential lot unless this lot is successfully rezoned into a zoning district which allows additional residential units;
4. The acreage of the proposed non-farm residential lot shall count towards the total non-farm residential acreage that can be created from the base farm tract for this property;
5. A "Notice of Zoning Limitations" document shall be recorded with the Dodge County Register of Deeds Office for the following parcels which make up the "base farm tract" which notifies the potential buyers of these parcels that there may be limitations as to the number of new lots that can be created from this base farm tract:
 - 028-1316-1333-000 and 028-1316-1334-000.
6. The owner and subsequent owners of this non-farm residential lot hereby agree to comply with Subsection 9.2, Right to Farm provisions of the Dodge County Land Use Code and that they will not cause unnecessary interference with adjoining farming operations producing agricultural products and using generally accepted agricultural practices, including access to active farming operations;
7. The decision of the Committee shall expire one year after the decision is filed with the Department 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.
8. 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 Sections 2.3.6.F and 3.7.2.D of the County Land Use Code and the provisions of Wisconsin State Statute 91.46?

(Yes / No)

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

Motion second _____

Vote

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: _____



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

CONDITIONAL USE PERMIT APPLICATION

THIS AREA FOR OFFICE USE ONLY	
Activity No. 230089	Permit Issued Date
Application Date: 2-6-2023	Receipt #: 6562-0002
	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) Dan & Yvonne Loduga	Parcel Identification Number (PIN) 02813141333000 & 0281316334000
Street Address W2856 Lomira Drive	Town Town of Leroy
City • State • ZipCode Brownsville, WI 53003	T N R E 13 16
Property Owner (If different from applicant)	Subdivision or CSM (Volume/Page/Lot)
Street Address	Address Of Property (DO NOT include City/State/ZipCode)
City • State • ZipCode	1/4 1/4 Section Acreage Lot (Block) SW SW 13 4.0
	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 checked="" type="checkbox"/> Single-Family Residential <input type="checkbox"/> Active-Working Farm Operation <input type="checkbox"/> Business • Industrial • Commercial • (Describe below) Other _____ _____	<p align="center">(Please check/complete all that apply below)</p> <input checked="" type="checkbox"/> Non-Farm Residential Lot <input checked="" type="checkbox"/> Single Family Residence <input type="checkbox"/> Two-Family Residence <input type="checkbox"/> Multi-Family Residence <input type="checkbox"/> Tavern or Restaurant <input type="checkbox"/> Professional Office <input type="checkbox"/> Non-Metallic Mine/Quarry <input type="checkbox"/> Wind Tower <input type="checkbox"/> Create/Expand Business <input type="checkbox"/> Wildlife Pond > 2-acres <input type="checkbox"/> Wireless Communications Tower <input type="checkbox"/> Contractor's Offices and Storage Yards <input type="checkbox"/> Filling, Grading or Dredging in the Shoreland District Other: _____ _____
<p align="center">DNR Notice</p> <p>DNR NOTICE: You are responsible for complying with State and Federal laws concerning construction on or near wetlands, lakes and streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the Department of Natural Resources Wetlands Identification Web Page (www.dnr.state.wi.us) or contact a Department of Natural Resources Service Center.</p>	

(5) CERTIFICATE

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

Signature *Dan Loduga* Date 1-25-23
 Daytime Contact Number (920) 948-4843 Email: _____

AREA BELOW THIS LINE FOR OFFICE USE ONLY

LAND RESOURCES AND PARKS COMMITTEE ACTION

Date of Decision _____ Decision _____

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

Date: _____

SITE PLAN (SKETCH)

See Attached

See Attached Site Plan (Sketch)

THIS AREA FOR OFFICE USE ONLY

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

Notes/Stipulations:

Approved Denied

Land Resources and Parks Department

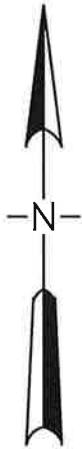
Date

CERTIFIED SURVEY MAP NO. _____

FOR
DANIEL J. & YVONNE S. LODUHA

PART OF THE SW 1/4 OF THE SW 1/4 OF
SECTION 13, T. 13 N.-R. 16 E.,
TOWN OF LEROY, DODGE COUNTY, WISCONSIN

PROJECT NUMBER: 9.5227
DATE: JANUARY 18, 2023



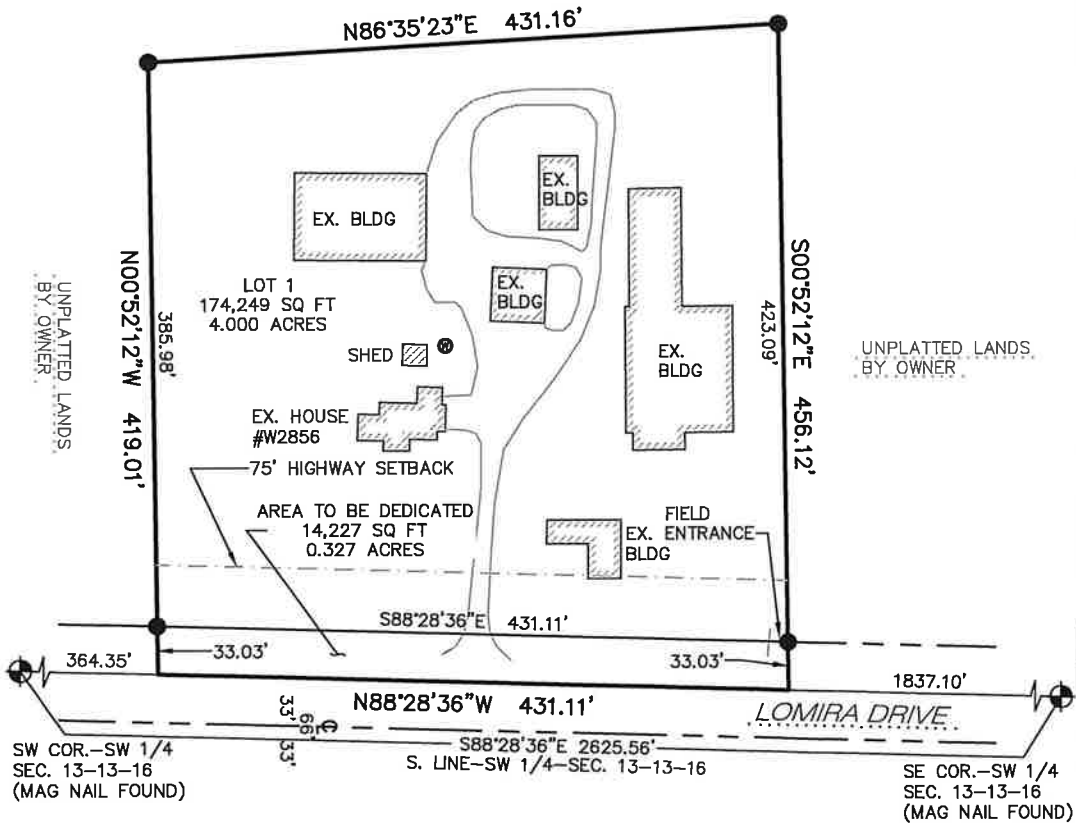
NORTH POINT REFERENCED TO THE S. LINE OF THE SW 1/4 OF SECTION 13-13-16 WHICH BEARS S88°28'36"W PER DODGE COUNTY COORDINATE SYSTEM.

LEGEND

- 1" X 18" (O.D.) IRON PIPE SET WEIGHING 1.13 LBS. PER LINEAL FOOT

TOTAL AREA
188,476 SQ FT
4.327 ACRES

UNPLATTED LANDS
BY OWNER



CERTIFIED SURVEY MAP # _____

VOLUME _____ PAGE _____

SHEET 1 OF 4 SHEETS

LRP QMap

The data used to create this map is derived from various city, county and state records, information, and data from various city, county and state offices, and other sources. This map is only advisory, does not replace a survey, and may not be used for any legal purpose. Dodge County assumes no liability for any use or misuse of this information.



Dodge County Land Resources & Parks

<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 General Commercial Extensive Commercial Light Industrial Industrial Waterbody ROW/City/Village
--	--	--	--

Date: 1/23/2023

Daniel & Yvonne Loduha

Town of Leroy, Sec. 13

The information on this map is a compilation of records, documents 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.

1323-000
OECHSNER FARMS LLC
22 ac.

1324-000
OECHSNER FARMS LLC
30 ac.

1313-000
GINDT
40 ac.

1321-001
HOCHERS
7.2 ac.

1331-000
SERWE
40 ac.

1342-000
SERWE
40 ac.

D. & Y. LODUHA

LOT 2

13

14

1333-000
LODUHA
75.1 ac.

BFT0164
115 ac.

1334-000
LODUHA
39 ac.

DAIRY RD

COUNTY ROAD V

LOT 1

LOMIRA DR

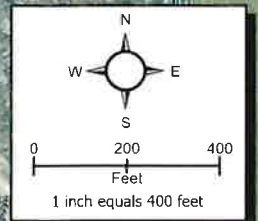
24

2421-000
CHRISTIAN HILL HOLDINGS LLC
39.5 ac.

2311-000
LODUHA
17 ac.

2422-000
CHRISTIAN HILL HOLDINGS LLC
39.6 ac.

-  Daniel & Yvonne Loduha Property
-  Tax Parcels
-  Base Farm Tract



Land Resources and Parks Department Staff Report

County Conditional Use Permit Application # 2023-0093

Filing Date: February 9, 2023

Hearing Date: March 13, 2023

Applicant (Agent):

Christopher Demetropolous PR

871 Briar Ct.

Watertown, WI 53094

Owner:

Eleftheria Demetropolous

871 Briar Ct.

Watertown, WI 53094

Location

PIN #: 026-0916-1814-000; 026-09816-1811-000;

Location: Part of the SE ¼ of the NE ¼, Section 18, Town of Lebanon, the site address being N1566 Scofield Road.

Applicants Request

An application for a County Conditional Use Permit under the Dodge County Land Use Code, was made by the applicant to allow for the creation of an approximate 2-acre nonfarm single family residential lot within the A-1 Prime Agricultural Zoning District.

County Jurisdiction

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

Review Criteria

1. Subsections 2.3.6.A through 2.3.6.H of the Land Use Code details procedural matters, the approval criteria and the form for the conditional use permit application.
2. According to Section 3.7.4 of the Code, the Committee may authorize the Land Use Administrator to issue a Conditional Use Permit (CUP) for those conditional uses listed under Section 3.7.2 of this Code after review and a public hearing, provided that such conditional uses are in accordance with Section 2.3.6 of this Code and Wis. Stats. 91.46.

Land Use Code Provisions:

1. Section 3.7.2.D of the Land Use Code identifies new nonfarm single family residences and duplexes as a conditional use in the A-1 Prime Agricultural Zoning District provided the proposal complies with the requirements listed in 3.7.2.D.1 through 3.7.2.D.3.

Purpose Statement

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

Physical Features of Site

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

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

The County has Shoreland Jurisdiction over portions of the parent lot.

- Portions of the remnant lands are designated as wetlands.
- The proposed 2-acre lot is not designated as wetlands.

County has Floodplain jurisdiction over portions of the parent lot.

- Portions of the remnant lot are designated as floodplain.
- The proposed 2-acre lot is not designated as a floodplain.

The base farm tract contains 78.32-acres that are located within the A-1 Prime Agricultural Zoning District;

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

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

Land Use, Site: Residential and agricultural.

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

Designated Archaeological Site: Yes No

Town Recommendation: Approve Deny No recommendation submitted

STAFF ADVISORY:

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

The staff has reviewed the proposal for compliance with the criteria listed in Sections 2.3.6.F and 3.7.2.D of the Dodge County Land Use Code and with Chapter 91.46 of the Wisconsin State Statutes. The staff comments are listed in Exhibit A for the Committee review.

It is the staff's position that the project as proposed is in compliance with the applicable provisions of the Dodge County Land Use Code and the provisions of Chapter 91.46 of the Wisconsin State Statutes and the staff believes that the Committee can make the findings necessary under Section 2.3.6.F and 3.7.2.D of the code that are required to approve the Conditional Use Permit for this project. If approved with the following conditions, the staff believes that the project will not have an adverse effect on the adjacent land owners, the community or the environment, and the proposal will be consistent with the purpose and intent of the Code.

CONDITIONS:

1. The applicant shall obtain the required land division approvals for the proposed lot from the County and local municipalities if required, prior to the creation of these lots;
2. The proposed non-farm residential lot shall not exceed 3.7-acres in area unless the lot is successfully rezoned out of the A-1 Prime Agricultural Zoning District;
3. Only one single family residential unit may be constructed on the proposed non-farm residential lot unless this lot is successfully rezoned into a zoning district which allows additional residential units;
4. The acreage of the proposed non-farm residential lot shall count towards the total non-farm residential acreage that can be created from the base farm tract for this property;
5. A "Notice of Zoning Limitations" document shall be recorded with the Dodge County Register of Deeds Office for the following parcels which make up the "base farm tract" which notifies the potential buyers of these parcels that there may be limitations as to the number of new lots that can be created from this base farm tract:
 - 026-0916-1814-000; 026-0916-1811-000;
6. The owner and subsequent owners of this non-farm residential lot hereby agree to comply with Subsection 9.2, Right to Farm provisions of the Dodge County Land Use Code and that they will not cause unnecessary interference with adjoining farming operations producing agricultural products and using generally accepted agricultural practices, including access to active farming operations;
7. The decision of the Committee shall expire one year after the decision is filed with the Department 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.
8. 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 and 3.7.2 of the code. The staff comments are as follows:

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

	<u>Complies</u>	<u>Potential Problem</u>	<u>N/A</u>
Proposed Use:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.7.2.D.1 Non-farm residential acreage ratio:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none">• Acreage of Base Farm Tract: 78.32 acres;• Non-farm residential acreage: 2 acres;• Farm acreage remaining after project is completed: 76.32 acres;• The ratio of all “nonfarm residential acreage” to farm acreage: on the “base farm tract” shall not exceed 1 to 20 (0.05).<ul style="list-style-type: none">▪ Ratio of non-farm residential acreage to farm acreage: 1 to 38 or 0.02			
3.7.2.D.2 The total number of non-farm residential units on the base farm tract shall not exceed 4;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Existing non-farm residences on base farm tract:			
<ul style="list-style-type: none">• 0 - Number of existing non-farm residential units located on base farm tract;• 1 - Number of proposed non-farm residential units located on base farm tract;• 1 - Total number of non-farm residential units located on base farm tract;			
The total number of residential units of any kind on the base farm tract shall not exceed 5;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Existing residential units on base farm tract:			
<ul style="list-style-type: none">• 1 - Number of existing residential units located on base farm tract;• 1 - Number of proposed residential units located on base farm tract;• 2 - Total number of residential units located on base farm tract;			
3.7.2.D.3.a Location of the proposed lots:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Will the proposed nonfarm residential lot convert cropland or “prime farmland” into non-farm use;			
<input checked="" type="checkbox"/> Yes – A portion of the property is designated as prime farmland based on soil type and slopes.			
<ul style="list-style-type: none">○ If yes; are there reasonable alternative locations for the proposed lot that would convert less cropland or “prime farmland” into non-farm use?<ul style="list-style-type: none">▪ No; the majority of the site will contain some lands that are designated as prime farmland. The proposed area is buffered along the south and east sides and the road is along the west site.			

3.7.2.D.3.b Location of the proposed lots:
Will the location of the nonfarm residential lot significantly impair the current or future agricultural use of other "protected farmland"?
 Yes; No;

Non-Farm Residential Cluster:
• The proposed parcels are contiguous;
• The proposed residences if constructed, would satisfy the requirements for a single non-farm residence;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Dodge County Land Resources and Parks Committee Decision

County Conditional Use Permit Application # 2023-0093

Filing Date: February 9, 2023

Hearing Date: March 13, 2023

Applicant (Agent):

Christopher Demetropolous PR
871 Briar Ct.
Watertown, WI 53094

Owner:

Eleftheria Demetropolous
871 Briar Ct.
Watertown, WI 53094

Location

PIN #: 026-0916-1814-000; 026-09816-1811-000;

Location: Part of the SE ¼ of the NE ¼, Section 18, Town of Lebanon, the site address being N1566 Scofield Road.

Applicants Request

An application for a County Conditional Use Permit under the Dodge County Land Use Code, was made by the applicant to allow for the creation of an approximate 2-acre nonfarm single family residential lot within the A-1 Prime Agricultural Zoning District.

CONCLUSIONS OF LAW

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

According to Section 3.7.2.D of the Land Use Code and Wisconsin State Statute 91.46, new nonfarm single family residences can be approved if all of the following apply:

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

(Yes / No)

If no, the request shall be denied.

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

(Yes / No)

If no, the request shall be denied.

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

(Yes / No)

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

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

(Yes / No)

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

2.3.6.F General Approval Criteria for Conditional Use Permits

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

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

(Yes / No)

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

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

(Yes / No)

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

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

(Yes / No)

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

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

(Yes / No / Not Applicable)

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

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

(Yes / No/ Not Applicable)

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

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

(Yes / No)

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

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

(Yes / No)

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

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

(Yes / No)

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

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

(Yes/No)

1. The applicant shall obtain the required land division approvals for the proposed lot from the County and local municipalities if required, prior to the creation of these lots;
2. The proposed non-farm residential lot shall not exceed 3.7-acres in area unless the lot is successfully rezoned out of the A-1 Prime Agricultural Zoning District;
3. Only one single family residential unit may be constructed on the proposed non-farm residential lot unless this lot is successfully rezoned into a zoning district which allows additional residential units;
4. The acreage of the proposed non-farm residential lot shall count towards the total non-farm residential acreage that can be created from the base farm tract for this property;
5. A "Notice of Zoning Limitations" document shall be recorded with the Dodge County Register of Deeds Office for the following parcels which make up the "base farm tract" which notifies the potential buyers of these parcels that there may be limitations as to the number of new lots that can be created from this base farm tract:
 - 026-0916-1814-000; 026-0916-1811-000;
6. The owner and subsequent owners of this non-farm residential lot hereby agree to comply with Subsection 9.2, Right to Farm provisions of the Dodge County Land Use Code and that they will not cause unnecessary interference with adjoining farming operations producing agricultural products and using generally accepted agricultural practices, including access to active farming operations;
7. The decision of the Committee shall expire one year after the decision is filed with the Department 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.
8. 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 Sections 2.3.6.F and 3.7.2.D of the County Land Use Code and the provisions of Wisconsin State Statute 91.46?

(Yes / No)

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

Motion second _____

Vote

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: _____



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

CONDITIONAL USE PERMIT APPLICATION

THIS AREA FOR OFFICE USE ONLY	
Activity No. 230093	Permit Issued Date
Application Date: 2-9-2023	Receipt #: 10562-0018
	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) Christopher Demetropolous PR	Parcel Identification Number (PIN) 026-0916-1814-000; 026-0916-1811-000
Street Address 871 Briar Ct.	Town Lebanon
City • State • ZipCode Watertown, WI 53094	Town N R E 09 16
Property Owner (if different from applicant) Elzethria Demetropolous Estate	Subdivision or CSM (Volume/Page/Lot)
Street Address 871 Briar Ct.	Address Of Property (DO NOT include City/State/ZipCode)
City • State • ZipCode Watertown, WI 53094	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 checked="" type="checkbox"/> Non-Farm Residential Lot <input type="checkbox"/> Single Family Residence <input type="checkbox"/> Two-Family Residence <input type="checkbox"/> Multi-Family Residence <input type="checkbox"/> Tavern or Restaurant <input type="checkbox"/> Professional Office <input type="checkbox"/> Non-Metallic Mine/Quarry <input type="checkbox"/> Wind Tower <input type="checkbox"/> Create/Expand Business <input type="checkbox"/> Wildlife Pond > 2-acres <input type="checkbox"/> Wireless Communications Tower <input type="checkbox"/> Contractor's Offices and Storage Yards <input type="checkbox"/> Filling, Grading or Dredging in the Shoreland District Other: _____
DNR Notice	
<p>DNR NOTICE: You are responsible for complying with State and Federal laws concerning construction on or near wetlands, lakes and streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the Department of Natural Resources Wetlands Identification Web Page (www.dnr.state.wi.us) or contact a Department of Natural Resources Service Center.</p>	

(5) CERTIFICATE

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

Signature **Christopher Demetropolous** Date **2/10/2023**
 Daytime Contact Number (920) **285-11654** *→ (Request Appl. converted to CUP)*

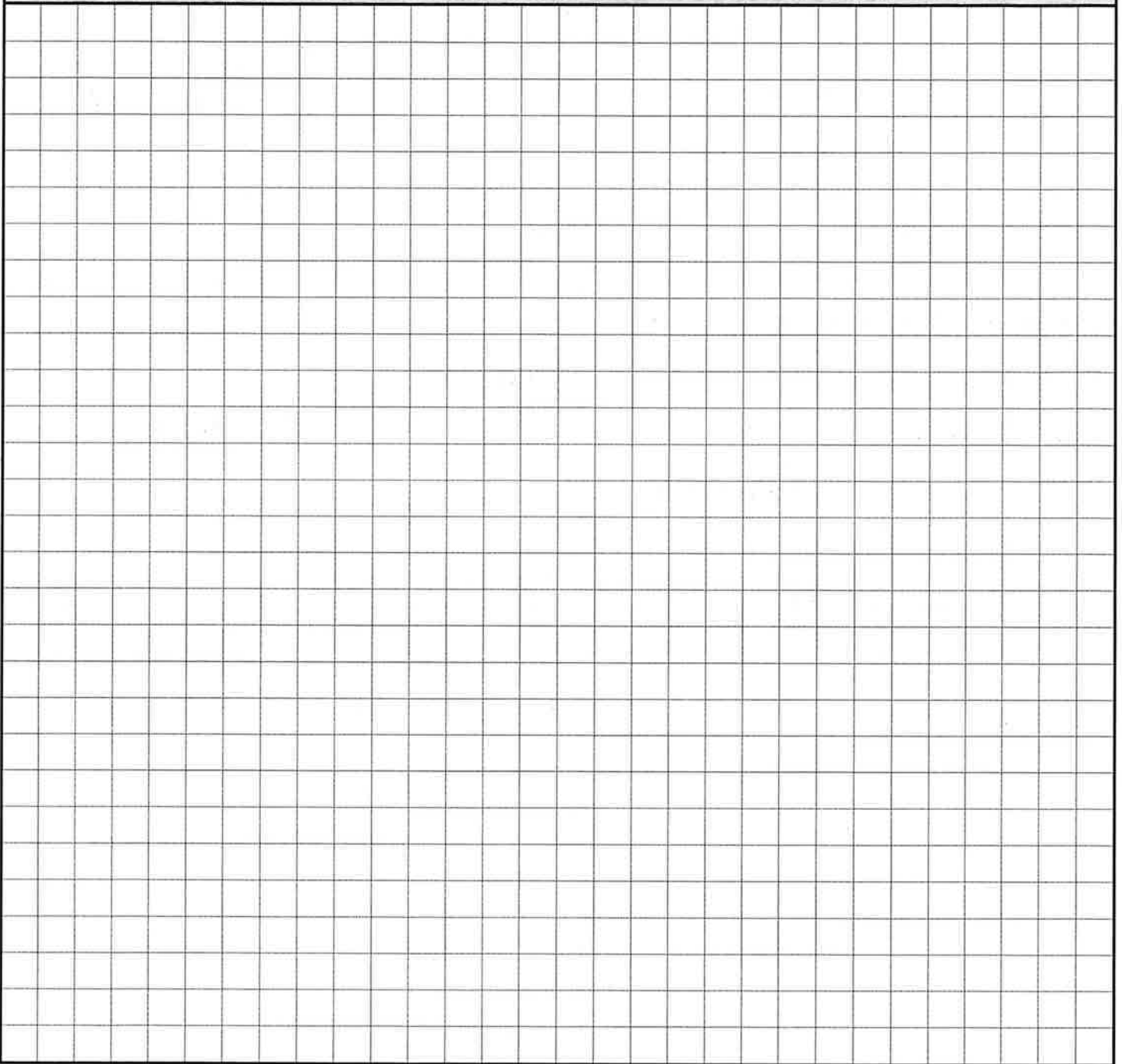
AREA BELOW THIS LINE FOR OFFICE USE ONLY

LAND RESOURCES AND PARKS COMMITTEE ACTION

Date of Decision _____ Decision _____

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

SITE PLAN (SKETCH)



See Attached Site Plan (Sketch)

THIS AREA FOR OFFICE USE ONLY

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

Notes/Stipulations:

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

Please use only blue or black ink to complete the application and site plan (sketch) — **DO NOT USE PENCIL**



1815-000

1814-000
39,205 ac.

1842-000
38,948 ac.

1812-000

400'

200'

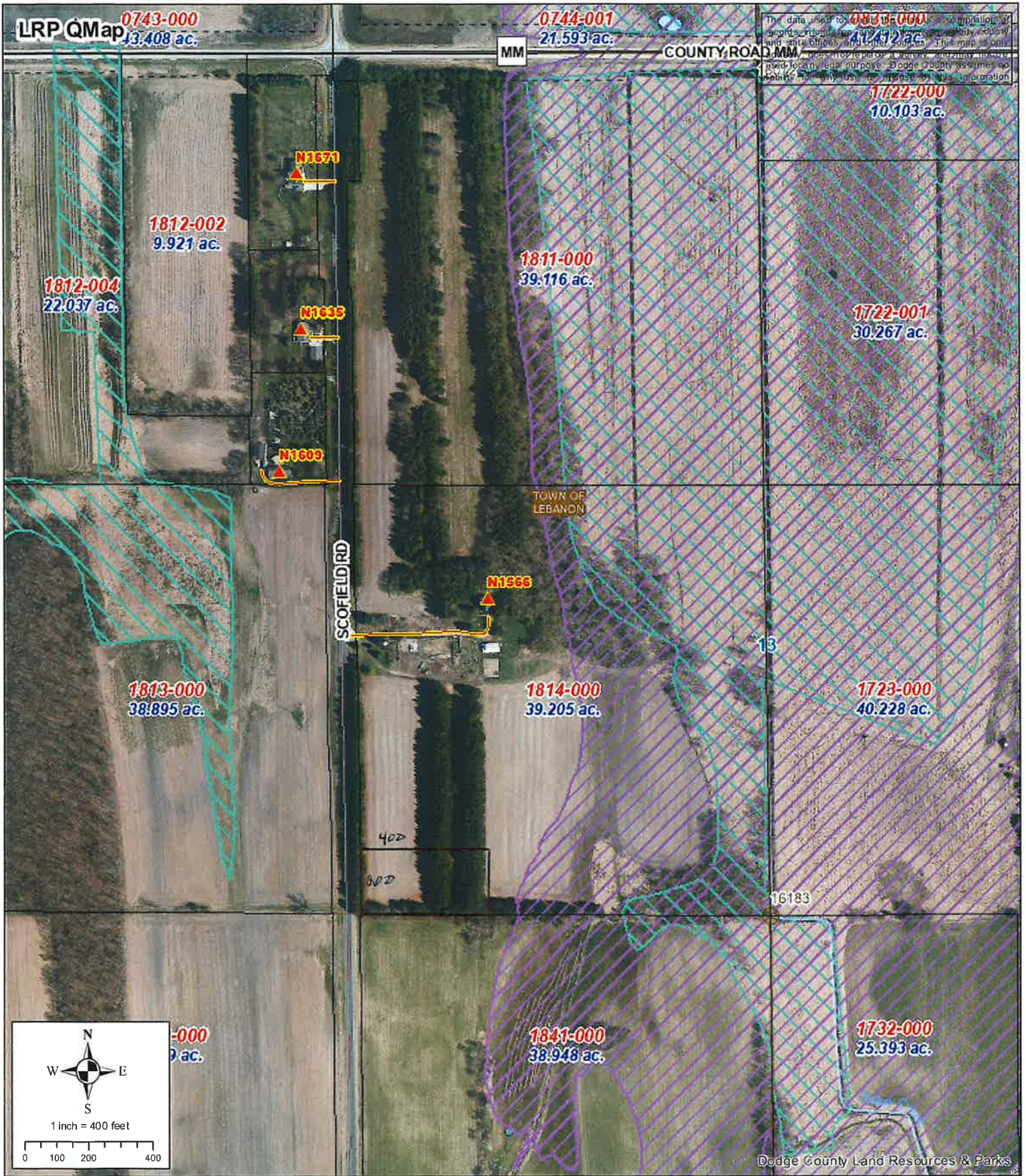
SCOFFIELD RD

1812-000
38,895 ac.

1842-000



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



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

Date: 2/10/2023

Eleftheria Demetropolous

Town of Lebanon, Sec. 8

This map was created to create this map is a compilation of records, maps, 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 reliance on this information.

0743-000
NEHLS
43.4 ac.

0744-001
BOETTCHER
21.6 ac.

08 0833-000
KENNEDY
41.4 ac.

COUNTY ROAD MM MM

1812-002
BOYD
9.9 ac.

1811-000
DEMETROPOULOS
39.1 ac.

1722-000
KOCHANSKI LIVING TRUST DATED OCTOBER 1 2019
10.1 ac.

1722-001
KOCHANSKI LIVING TRUST DATED OCTOBER 1 2019
30.3 ac.

E. DEMETROPOULOS

LOT 2

**BFT0162
78.4 ac.**

1812-004
BOHN LIVING TRUST DATED APRIL 7 2022
22 ac.

SCOFIELD RD

1813-000
PEIRICK
38.9 ac.

1814-000
DEMETROPOULOS
39.2 ac.

1723-000
KOCHANSKI LIVING TRUST DATED OCTOBER 1 2019
40.2 ac.


LOT 1


1842-000

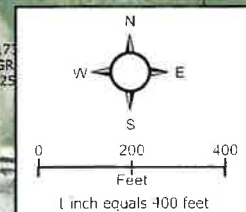
1841-000
CHRISTIAN
38.9 ac.

1725-000
GR

 Eleftheria Demetropolous Property

 Tax Parcels

 Base Farm Tract



Land Resources and Parks Department Staff Report

County Rezoning Petition # 2023-0104

Filing Date: February 14, 2023

Hearing Date: March 13, 2023

Applicant (Agent):

Brian Stegner
W10060 County Road DE
Beaver Dam, WI 53916

Owner:

Donna Stegner
W10048 County Road DE
Beaver Dam, WI 53916

Location

PIN# 008-1113-0122-000

Part of the NW ¼ of the NW ¼, Section 1, Town of Calamus, the site address being W10048 County Road DE.

Applicants Request

A rezoning petition has been submitted by the applicant in order they be allowed to rezone approximately 3.5-acres of land from the A-1 Prime Agricultural Zoning District to the A-2 General Agricultural zoning district under the Dodge County Land Use Code to allow for the creation of a non-farm residential lot. The 3.5-acre lot is vacant agricultural land which is intended for non-farm residential use. The remaining 33+acre lot will contain agricultural land and an existing residence and accessory buildings which will remain in agricultural and residential use.

Land Use Code Provisions

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

Purpose Statements

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

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

Physical Features of Site

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

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

The County has Shoreland Jurisdiction over portions of both lots.

- Portions of both lots are designated as wetlands.

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

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

Land Use, Site: Residential and agricultural

Land Use, Area: Agricultural with scattered residences along County Road DE and Forest Road.

Designated Archaeological Site: Yes No

Density Standards

The base farm tract for this property contains 36.71-acres within the A-1 Prime Agriculture Zoning District. The Code would allow a maximum of 1.74-acres for non-farm residential use under the conditional use permit process. Therefore, in this case, rezoning is required to allow for the creation of a 3.5-acre nonfarm residential lot at this location.

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

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

Town Recommendation

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

STAFF ADVISORY:

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

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

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

Exhibit A

2.3.4.I Approval Criteria

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

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

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

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

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

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

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

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

- It is the staff's position that the area to be rezoned 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;

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

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

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

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

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

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

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

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

- It is the staff's position that the land is suited for non-farm residential use. This category allows for limited non-farm residential use.

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

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

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

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

2.3.4.J Approval by Affected Town Boards

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

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

Dodge County Planning, Development and Parks Committee Decision

County Rezoning Petition # 2023-0104

Filing Date: February 14, 2023

Hearing Date: March 13, 2023

Applicant (Agent):

Brian Stegner
W10060 County Road DE
Beaver Dam, WI 53916

Owner:

Donna Stegner
W10048 County Road DE
Beaver Dam, WI 53916

Location

PIN# 008-1113-0122-000

Part of the NW ¼ of the NW ¼, Section 1, Town of Calamus, the site address being W10048 County Road DE.

Applicants Request

A rezoning petition has been submitted by the applicant in order they be allowed to rezone approximately 3.5-acres of land from the A-1 Prime Agricultural Zoning District to the A-2 General Agricultural zoning district under the Dodge County Land Use Code to allow for the creation of a non-farm residential lot. The 3.5-acre lot is vacant agricultural land which is intended for non-farm residential use. The remaining 33+acre lot will contain agricultural land and an existing residence and accessory buildings which will remain in agricultural and residential use.

CONCLUSIONS OF LAW

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

2.3.4.I Approval Criteria

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

(Yes / No / N/A);

Comments _____

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

(Yes / No / N/A);

Comments _____

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

(Yes / No / N/A);

Comments _____

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

(Yes / No / N/A);

Comments _____

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

(Yes / No / N/A);

Comments _____

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

(Yes / No / N/A);

Comments _____

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

(Yes / No / N/A);

Comments _____

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

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

(Residential / Agricultural)

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

Comments _____

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

(Yes / No / N/A);

Comments _____

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

(Yes / No / N/A);

Comments _____

2.3.4.J Approval by Affected Town Boards

Has the Town submitted a recommendation regarding this request?

(Yes / No)

Comments _____

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

Yes;

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

Committee Action

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

(Yes / No)

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

Motion second _____

Vote

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;
- shall provide a “No Recommendation” to the County Board on the proposed rezoning petition as proposed;

Dodge County Land Resources and Parks Committee

Signed _____ Attest _____
Chairperson Secretary

Dated: _____

Filed: _____



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

REZONING PETITION

THIS AREA FOR OFFICE USE ONLY	
Activity No. 230104	Application Date: 2-14-2023
	Receipt #: 6608-0005

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

NAMES & MAILING ADDRESSES	PROPERTY DESCRIPTION
Petitioner (Agent) <u>Brian Stegner</u>	Parcel Identification Number (PIN) <u>008 1113 0122 000</u>
Street Address <u>W10060 City Rd De West</u>	Town <u>Colamus</u>
City • State • ZipCode <u>Beaver Dam WI 53916</u>	Section <u>NW NW 1</u>
Property Owner (if different from petitioner) <u>Donna Stegner</u>	Subdivision or CSM (Volume/Page/Lot) <u>1 1/4 37 3-5</u>
Street Address <u>W10048 City Rd De West</u>	Address Of Property (DO NOT include City/State/ZipCode) <u>W10048 City Hwy De West</u>
City • State • ZipCode <u>Beaver Dam WI 53916</u>	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 Brian Stegner Daytime Phone (920) 344-0727

PROPOSED REZONING

Current Zoning District <u>A-1 Prime Agricultural</u>	Proposed Zoning District <u>A2 General Agricultural</u>
--	--

Reason For Rezoning

Agriculture to Residential Use - Creation of a non-farm residential lot.

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

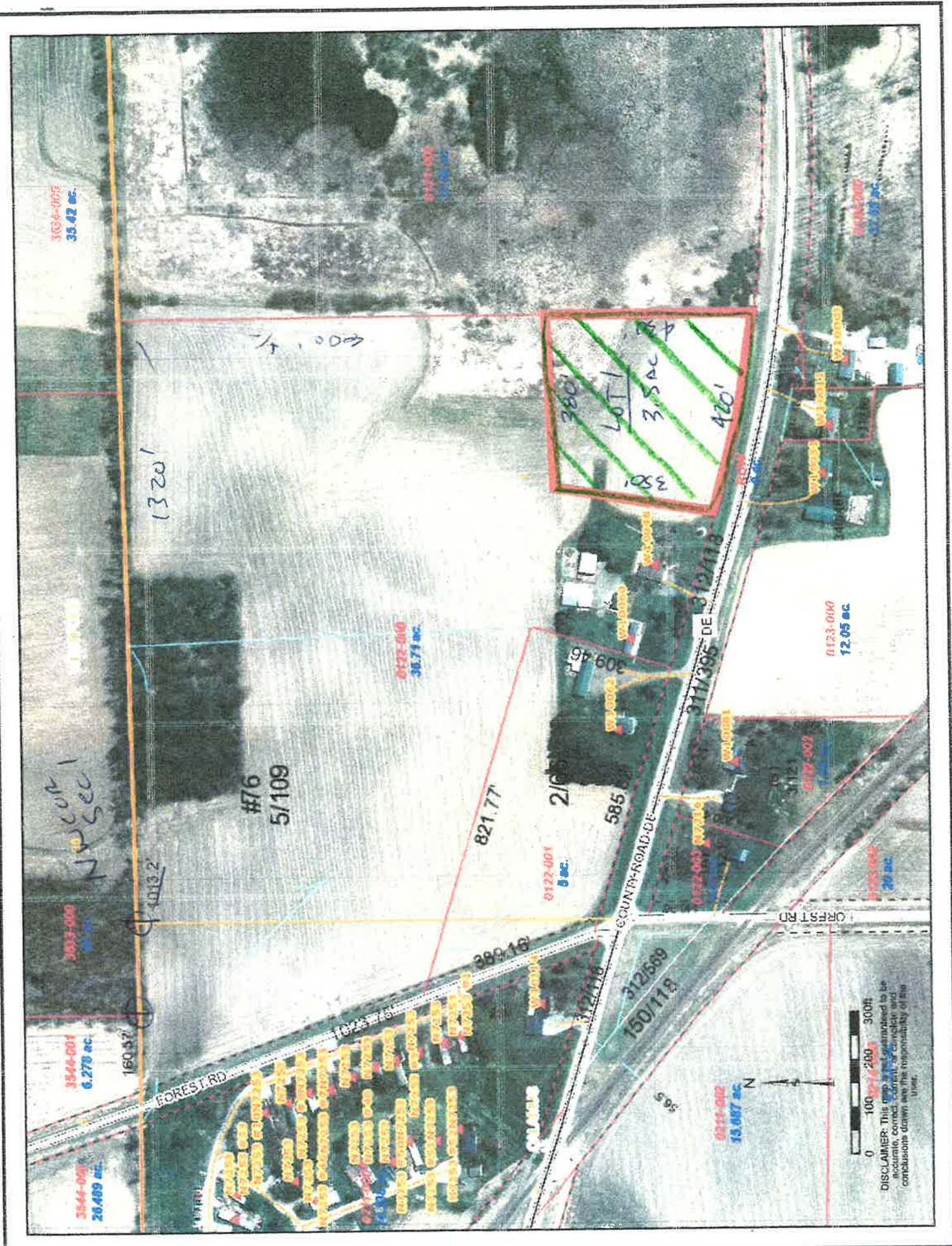
CERTIFICATE

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

Signature Brian Stegner Date 02-10-2023

Daytime Contact Number (920) 344-0727

◆ AREA BELOW THIS LINE FOR OFFICE USE ONLY ◆



1320'

#76
5/109

LOT 1
3.8 AC

3034-002
35.42 ac.

0122-010
38.71 ac.

0123-010
12.95 ac.

3033-000

3544-001
6.278 ac.

3544-000
26.489 ac.

0122-001
8 ac.

0141-002
43.667 ac.

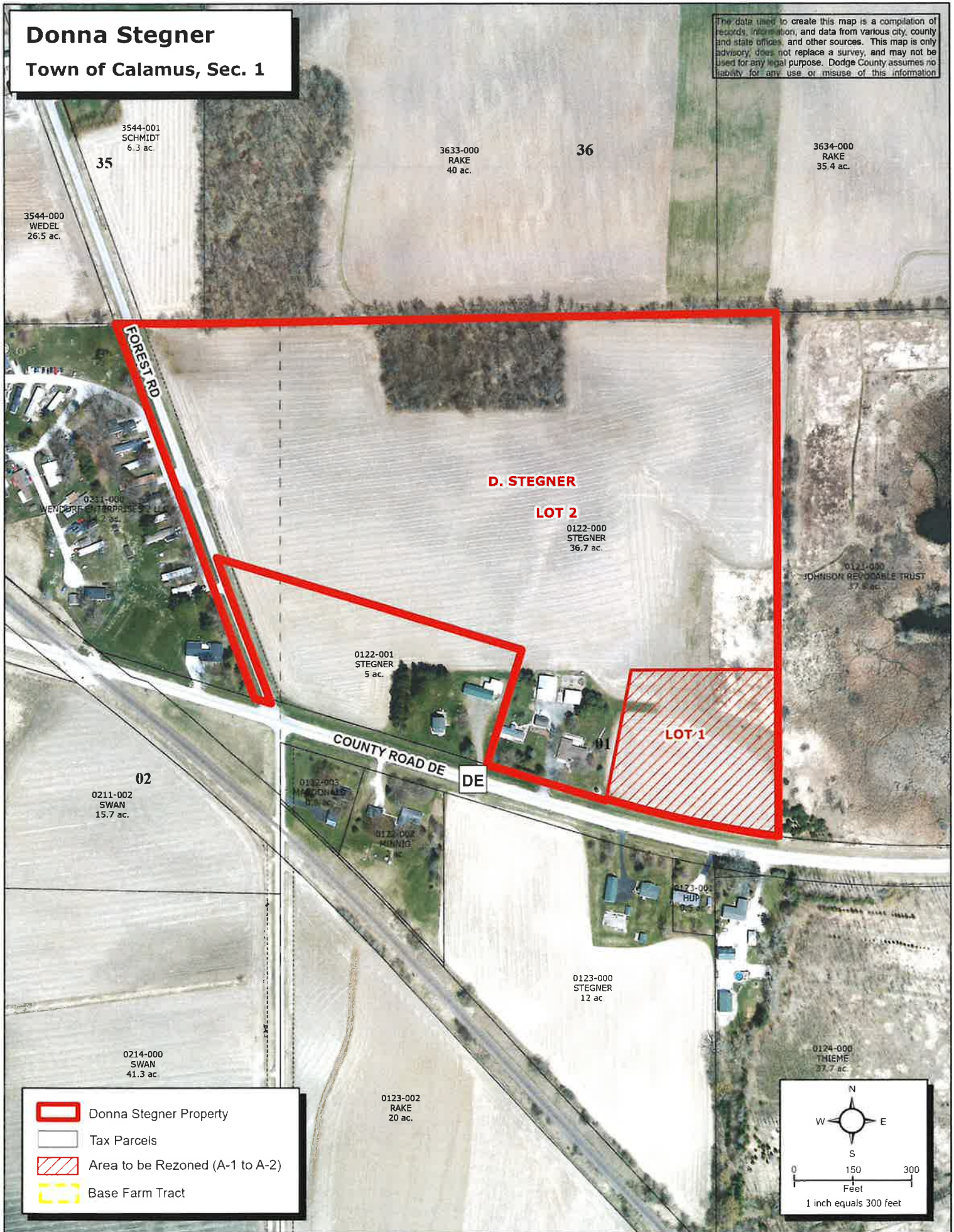






DISCLAIMER: This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.

mt. ...

Donna Stegner
Town of Calamus, 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.



-  Donna Stegner Property
-  Tax Parcels
-  Area to be Rezoned (A-1 to A-2)
-  Base Farm Tract

