DAWN COUNTY BOARD OF SUPERVISORS
ZONING & LAND REGULATION COMMITTEE
PUBLIC HEARING AGENDA

Date: Tuesday, August 23, 2011  Time: 7:30 P.M.

Location: ROOM 201  City-County Building  210 Martin Luther King Jr. Blvd.  Madison

NOTE: If you need an interpreter, translator, materials in alternate formats or other accommodations to access this service, activity or program, please call the phone number below at least three business days prior to the meeting.

NOTA: Si necesita un intérprete, un traductor, materiales en formatos alternativos u otros arreglos para acceder a este servicio, actividad o programa, comuníquese al número de teléfono que figura a continuación tres días hábiles como mínimo antes de la reunión.

LUS CIM: Yog hais tias koj xav tau ib tug neeg txhais lus, ib tug neeg txhais ntawv, cov ntawv ua lwm hom ntawv los sis lwm cov kev pab kom siv tau cov kev pab, cov kev ua ub no (activity) los sis qhov kev pab cuam, thov hu rau tus xov tooj hauv qab yam tsawg peb hnub ua hauj lwm ua ntej yuav tuaj sib tham.

Contact Information: Zoning Office, Planning & Development Department, 266-4266, or 266-9138 (TDD)

ITEMS TO BE CONSIDERED

I. CALL TO ORDER

II. PUBLIC COMMENT

III. PUBLIC HEARING FOR REZONE AND CONDITIONAL USE PERMIT APPLICATIONS AND RESOLUTIONS AND ORDINANCE AMENDMENTS

1. PETITION #10323 by ROBERT JOHNSON to change the zoning from A-2 Agricultural to A-2(2) Agricultural to PROVIDE ZONING COMPLIANCE FOR AN EXISTING PARCEL on the property located SOUTHEAST OF 3401 COUNTY HIGHWAY JG in Section 34, Town of Vermont.

2. PETITION #10324 by MARC LEA FARMS LLC to change the zoning from A-1EX Exclusive Agricultural to RH-1 Rural Homes and A-4 to allow CREATION OF ONE RESIDENTIAL LOT on the property located EAST OF 2257 NORA ROAD, in Section 27, Town of Cottage Grove.

3. PETITION #10325 by DEAN FORSETH to change the zoning from A-1EX Exclusive Agricultural to RH-1 Rural Homes and A-4 to allow the CREATION OF ONE RESIDENTIAL LOT on the property located at 1654 SPRING ROSE ROAD in Section 1, Town of Primrose.

4. PETITION #10326 and CUP 02176 by RANDALL KESSENICH to change the zoning from A-1EX Exclusive Agricultural to LC-1 Limited Commercial to allow SEASONAL INDOOR AND OUTDOOR BOAT STORAGE BUSINESS AND RECREATIONAL VEHICLE SERVICE on the property located at 3969 DVORAK ROAD in Section 18, Town of Deerfield.

5. PETITION #10327 by GREGORY HAACK to change the zoning from A-1EX Exclusive Agricultural to A-2 Agricultural and RH-1 Rural Homes to allow the SEPARATION OF EXISTING RESIDENCE AND FARM BUILDINGS FROM THE FARM AND CREATION OF ONE LOT FOR OWNER on the properties located at 3860 BARLOW ROAD and WEST OF 9030 W MINERAL POINT ROAD in Section 21, Town of Cross Plains.
6. CUP # 2177 by ASSEMBLY OF PENTECOSTAL CHURCH to allow RELIGIOUS USES on the property located at 340 COYIER LANE in Section 36, TOWN OF MADISON.

7. PETITION # 10341 by LIVESEY EQUESTRIAN PARK LLC to amend the Wetland Inventory Maps by removing a 0.1 acre of land from WETLAND TO NON-WETLAND on the property located at 1649 S SHARPES CORNER ROAD in Section 32, Town of Springdale.

IV. REZONE AND CONDITIONAL USE PERMIT APPLICATIONS FROM PREVIOUS MEETINGS

1. None.

V. PLATS AND CERTIFIED SURVEY MAPS

1. PRELIMINARY PLATS:
   a. None.

2. FINAL PLATS:
   a. Windsor Corners, Town of Windsor, Section 30 (25 lots) (17.8)
      Consideration of the 10/23/2007 conditional approval and execution of the plat document pursuant to established Committee policy. Staff finds that the 10/23/2007 conditions of approval have been satisfied.

3. CERTIFIED SURVEY MAPS:
   a. None

VI. RESOLUTIONS

1. None.

VII. ORDINANCE AMENDMENTS

1. None.

VIII. OTHER BUSINESS

1. Discussion and possible action on a variance request application by Supervisor Patrick Downing on behalf of the Town of Perry with regards to granting a waiver from Dane County Code of Ordinance Section 75.19(6)(b) for relief of 66-foot street frontage requirement for several parcels at and around 1359 County Highway Z, Section 6, Town of Perry.

IX. ADJOURN

Supervisor Patrick Miles, Chair, Zoning & Land Regulation Committee

Agenda Posted: August 17, 2011
Description: The petitioner would like to correct the zoning district designation on a portion of land that was purchased in 2007. The property is part of Lot 1 of CSM 5218. The warranty deed, which was used to create this lot, is a violation of the land division regulations (CSM required) and renders the property undevelopable until corrected.

Observations: The property is fully wooded. The entire property has steep topography with slopes in excess of 20%. See topographical map attached.

Town Plan: The property is within the Rural Preservation Area. The applicant proposes to transfer the remaining housing density right on the adjacent farm to this location. Although the Town does not have a formal Transfer of Development Right policy, provisions are sometime made to unique situations. See density reports for the Skyview and Mathews farms.

The Town Plan recognizes that development of steep slope topography is susceptible to erosion. Dane County Comprehensive plan discourages development on slopes greater than 20%.

Staff: Due to the 20% slopes, staff feels that this area is unsuitable for development.

Town: Pending
PUBLIC HEARING: 12/18/2007

Petition Number: 10323
Applicant: Johnson

Town: Vermont
A1-EX Adoption: 10/12/1979
Orig. Farm Owner: Matthews, James

Section: 34
1 Split Per 35 Acres Owned
Original Farm Acres: 77.02

Previous Density Study: 8/4/2011
Original Splits: [77.02 / 35 = 2.20]
Available Splits: 1

Reasons/Notes:
Homesites created to date:
1 per Rezone 8316.

Note: Petition 7643 rezoned an existing farmhouse, which does not count against the density cap under town/city comprehensive plan.

NOTE: Parcels included in the density study reflect farm ownership and acreage as of the date of town plan adoption, or other date specified. Density study is based on this original farm acreage, not acreage currently owned.

<table>
<thead>
<tr>
<th>Parcel #</th>
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<th>Owner Name</th>
<th>CSM</th>
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**DRAFT: FOR DISCUSSION PURPOSE ONLY**

IMPORTANT NOTE: ACREAGE VALUES AND OWNERSHIP HEREIN ARE DERIVED FROM HISTORICAL AND CURRENT RECORDS LOCATED AT THE DANE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT (EG. GIS, PLAT BOOKS, ZONING PERMIT DATA, CSM'S, ETC). DENSITY POLICIES VARY AMONG TOWNS AND MAY REQUIRE INTERPRETATION.

<table>
<thead>
<tr>
<th>Public Hearing Date: 8/23/2011</th>
<th>Petition Number: 10323</th>
<th>Applicant: Robert Johnson</th>
</tr>
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<tbody>
<tr>
<td>Town: Vermont</td>
<td>A1-EX Adoption: 10/12/1971</td>
<td>Orig. Farm Owner: Skyview Partnership</td>
</tr>
<tr>
<td>Section: 34</td>
<td>1 Split Per 35 Acres Owned</td>
<td>Original Farm Acres: 480.68</td>
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</table>

**Reasons/Notes:**

Homesites created to date:
- 9 per
- CSMs 5218, 5307, 5884, 8191
- Rezones 5057, 8281
- Illegal land divisions on PINs 070634296010, 070634296200, 070634297100, 070634296730, 070634296909.

NOTE: NO ADDITIONAL DEVELOPMENT SHOULD BE PERMITTED ON THIS FARM UNTIL ILLEGAL LAND DIVISIONS ARE BROUGHT INTO COMPLIANCE AND LANDOWNERS RECORD AGREEMENT REGARDING ALLOCATION OF SPLITS.

NOTE: Parcels included in the density study reflect farm ownership and acreage as of the date of town plan adoption, or other date specified. Density study is based on this original farm acreage, not acreage currently owned.

<table>
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<tr>
<th>Parcel #</th>
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<tr>
<td>070634488201</td>
<td>10.48</td>
<td>JON C NORRIS</td>
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NOTE: Parcels included in the density study reflect farm ownership and acreage as of the date of town plan adoption, or other date specified. Density study is based on this original farm acreage, not acreage currently owned.

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<td>070634280612</td>
<td>30.80</td>
<td>JOHN F NOON &amp; MARY P HENMAN</td>
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MEMORANDUM

TO: Zoning & Land Regulations Committee

FROM: Brian Standing, Senior Planner

SUBJECT: Petition 10323 (Johnson, Town of Vermont)

DATE: August 2, 2011

CC: Roger Lane, Zoning Administrator
    Daniel Everson, Assistant Zoning Administrator
    Dan Frick, County Surveyor
    Marc Robertson, Town of Vermont Clerk
    Robert A. Johnson and Mary McMurray, Landowners
    Sweeney Irrevocable Trust, Landowner
    Jerry D. Bonner, Landowner
    James F. Goebel, Landowner
    Donald Hoffman, Landowner
    John F. Noon and Mary Henman, Landowners
    Jason R. Kopras, Landowner
    Lyle & Deanna Opsal, Landowners

Petition 10323 would rezone approximately 2 acres in Section 34 of the Town of Vermont from the A-2 to the A-2(2) zoning district. County records show that the following parcels, including the subject parcel of this Petition, were created without Certified Survey Maps as required by Chapter 75, Dane County Code, and without appropriate rezones as required by Chapter 10, Dane County Code:

- PINs 0706-342-9601-0 (7.75 acres, owned by Jerry D. Bonner) & 0706-342-9660-0 (3.72 acres, owned by John F. Noon and Mary P. Henman) were illegally separated by metes & bounds from CSM 8191, Lot 1;
- PINs 0706-342-9710-0 (1.91 acres, the subject parcel of this petition) 0706-342-9673-0 (17.4 acres, owned by Jason R. Kopras) & 0706-342-9690-9 (1.4 acres, owned by Don Hoffman) were illegally separated by metes and bounds from CSM 5218, Lot 1.

Depending on how these issues are resolved, these illegal divisions have implications for the entire 480.8-acre original 1979 Skyview Partnership landholdings, under the density cap policies of the Town of Vermont / Dane County Comprehensive Plan. One possible resolution would be:

1. Rezone PIN 0706-342-9710-0 (Petition 10323 subject parcel) to the A-1(ex) district and require a CSM to combine PINs 0706-342-9710-0 and 0706-343-8001-0 into a single 40.71-acre lot.
2. Require a CSM to re-establish the current boundaries of PIN 0706-342-9673-0 (Jason R. Kopras).

3. Rezone PINs 0706-342-9400-9 and 0706-342-9690-9 (Donald Hoffman) together into the RH-2 district and combine into a single 4.3 acre CSM lot.

4. Require a CSM of PIN 0706-342-9601-0 (approximately 7.74 acres, Jerry Bonner). If under 8 acres, rezone to the RH-2 zoning district. If over 8 acres, leave in RH-3.

5. Rezone PIN 0706-342-9660-0 (3.72 acres, John Noon & Mary Henman) to the A-1(ex) zoning district and record a CSM combining with PIN 0706-341-9001-3 (less portion rezoned to RH-3 under Petition 8281) to combine into a single 48.4-acre lot.

Together, these actions would have the effect of restoring 3 homesites to the original farm, bringing the total available potential homesites to 7.

In addition, all affected landowners, but particularly owners of at least 35 acres of the original farm (Sweeney Irrevocable Trust, James F. Goebel, Lyle & Deanna Opsal, John F. Noon & Mary Henman), should record a mutual agreement with the Register of Deeds, that explains how the remaining homesites on the original farm should be allocated.

I hope this information is helpful. Please feel free to contact me at (608) 267-4115 or by e-mail at standing@co.dane.wi.us if I can answer any questions, or be of any further assistance.
Legend

- 10 foot Intervals
- 2 foot Intervals

Petition 10323
Robert Johnson
2-foot Topography
Description

A part of Lot 1, Dane County Certified Survey Map #5218 (CSM 5218) located in the Southeast 1/4 of the Northwest 1/4 of Section 34, Township 7 North, Range 6 East, Dane County, Wisconsin described as beginning at a 46 rebar on the Easterly right-of-way of County Trunk Highway 200 (CTH JG) marking the Southwest corner of said Lot 1; thence N 28° 52' 40" E, along the South line of said Lot 1, 242.00'; thence N 37° 05' 55" W, 685.28' to a 46 rebar on the Westerly line of said Lot 1; thence S 0° 04' 11" E, along said Westerly line, 382.13' to said Easterly right-of-way line of said CTH JG; thence S 37° 48' 50" E, along said right-of-way line, 149.43' to a 46 rebar and the point of curvature of a 324.32 radius right-of-way curve to the right; thence 169.07' along the arc of said right-of-way curve, making a central angle of 18° 27' 10" and a long chord of 168.34' that bears S 28° 28' 28" E to the point of beginning. Containing 2.0186 acres (87929 square feet), more or less.
## Description
Heath Straka would like to purchase 15 acres of the Lea Farm. He would like to create a two-acre home site and purchase an additional 13 acres surrounding the site for agricultural purposes. The northerly 21 acres (other A-4 area) will remain part of the Lea Farm.

## Observations
50% of the proposed residential area has Class II soils. There is a constructed drainage swale that bisects the property. No other sensitive environmental features observed.

## Town Plan
The property is located in an Agricultural Preservation Area. If approved, one housing density right will remain on the original farm.

## Staff
The proposal meets the dimensional standards of the zoning district.

## Town
Approved conditioned upon the 13-acre parcel being prohibited for utilities service land uses.

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### ZLR COMMITEE ACTION - REZONING
- Postponed
- Approve
- Cond/Amnd Town
- Cond/Amnd Comm
- As Conditioned
- Amended
- Changed Zone Dist.
- Changed Boundary Description
- DENY

### ZLR CUP APPROVAL
- Approved
- Con by ZLR
- As Specified by Town
- DENY

### COUNTY BOARD ACTION
- Referred
- Approved
- DENY
- Amended on Floor

---

**DANE COUNTY ZONING & LAND REGULATION COMMITTEE**

<table>
<thead>
<tr>
<th>Town Action Recommendation</th>
<th>ZLR Committee Action - Rezoning</th>
<th>ZLR Cup Approval</th>
<th>County Board Action Rezoning</th>
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<td>County Board Agenda Item</td>
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**Dane County Application for Change in Zoning or CUP**
- Zoning Petition #: 10324  C.U.P. #: None
- Applicant: MARC LEA FARMS LLC
- Area: 2.2, 34.7 acres
- Delayed Effective Date: YES
- Change: From A-1EX Exclusive Agricultural To RH-1 Rural Homes and A-4 Small Agricultural Lot
- Rezone Reason: CREATION OF ONE RESIDENTIAL LOT WITH AGRICULTURAL LOTS
The Town of Cottage Grove uses a density policy of one residential development unit (RDU) per 35 acres owned, based on an original farm year of 1982. There were 4 RDUs associated with the original farm (Lea Farm), one was used to create one 1.0 acre parcel. Petition No. 10314 will use another of the four RDUs, leaving the property with a balance of 2 RDUs remaining.

NOTE: Parcels included in the density study reflect farm ownership and acreage as of the date of town plan adoption, or other date specified. Density study is based on this original farm acreage, not acreage currently owned.

<table>
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<th>Parcel #</th>
<th>Acres</th>
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TOWN BOARD ACTION REPORT – REZONE

Regarding Petition # 10324

Dane County Zoning & Land Regulation Committee Public Hearing Date 8/23/2011

Whereas, the Town Board of the Town of Cottage Grove having considered said zoning petition, be it therefore resolved that said petition is hereby (check one): ☐Approved ☐Denied ☐Postponed

Town Planning Commission Vote: 7 in favor 0 opposed 0 abstained

Town Board Vote: 4 in favor 1 opposed 0 abstained

THE PETITION IS SUBJECT TO THE FOLLOWING CONDITION(S) (Check all appropriate boxes):

1. ☑ Deed restriction limiting use(s) in the A4 zoning district to only the following: no residential development for both A4 parcels. In addition, the 13 acre A4 parcel coming from 0711-271-9000-8 is to be deed restricted to prohibit DCCO 10.129(2(b) utility services.

2. ☐ Deed restrict the balance of A-1 EX Agricultural Exclusive zoned land owned by the applicant from the original farm (as of date specified in the Town Plan) prohibiting non-farm development. Please provide property description, or tax parcel number(s):

3. ☐ Deed restrict the applicant's property described below prohibiting division. Please provide property description, or tax parcel number(s):

4. ☐ Condition that the applicant must record a Notice Document which states all residential development units (a.k.a. splits) have been exhausted on the property, and further residential development is prohibited under Town & County Land Use Planning policies. Please provide property description, or tax parcel number(s).

5. ☐ Other Condition(s). Please specify:
   Road right of way of all involved acreage to be dedicated to the town.

Please note: The following space is reserved for comment by the minority voter(s), OR, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

Note that application and approval at the Town level was a 2.0 acre RH-1 parcel, which is the maximum size per the Towns comprehensive plan.

1. Kim Banigan, as Town Clerk of the Town of Cottage Grove, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on 6/6/2011

Town Clerk Kim Banigan Date: 8/10/2011
Preliminary Certified Survey Map

Parts of the NW ¼ of the NE ¼ and the SW ¼ of the NE ¼, all in Section T.7N., R.11E.,
Town of Cottage Grove, Dane County, Wisconsin

45.5 acres remaining
North of Nora Road
centerline

Lot 3
21.5 acres

Lot 2
13.25 acres

Lot 1
2.24 acres,
2.0 acres to
road right of
way

Radius = 710.00'

Drainage
Ditch,
Intermittent
creek

Radius = 1000'

Prepared for:
Heath P. Straka
Glages, Casas & Lucaske, S.C.
8150 Excelsior Drive
Madison, WI 53717

Wisconsin Mapping, LLC
 surveying and mapping services
306 West Quarry Street, Deerfield, Wisconsin 53531
(608) 764-5602

Dwg. No. 40316-11 Date 6/15/2011
Sheet 1 of 1
Document No.
**STAFF REPORT**
**DANE COUNTY ZONING & LAND REGULATION COMMITTEE**

<table>
<thead>
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<th>Dane County Application for Change in Zoning or CUP</th>
<th>Hearing Date: 7/26/2011 Item #: 3</th>
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<tbody>
<tr>
<td>Zoning Petition #: 10325  C.U.P. #: None</td>
<td>Town/Section: Town of Primrose/01</td>
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<table>
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<tr>
<th>Applicant: DEAN FORSETH</th>
<th>Location: 1654 SPRING ROSE ROAD</th>
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<table>
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<tr>
<th>Area: 2.0, 12.1 acres</th>
<th>Delayed Effective Date: YES</th>
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| Change: From A-1EX Exclusive Agricultural To RH-1 Rural Homes and A-4 Small Agricultural | Rezone Reason: CREATION OF ONE RESIDENTIAL LOT |

**Description:** The original farm is being separated into 3 equal portions to settle an estate between siblings. In order to do so, two parcels are being created for the house and farm buildings. The remainder of the 136-acre farm is being separated into two parcels through metes and bounds descriptions.

**Observations:** There is a drainage swale that runs through the farmstead area. No other sensitive environmental features observed.

**Town Plan:** The property is in an Agricultural Preservation Area. If approved, the housing density rights will be exhausted.

**Staff:** The proposal meets the dimensional standard of the zoning district. Staff recommends deed restricting the A-1ex land to prohibit residential housing.

Note: The A-4 Zoning District limits livestock to one animal unit per acre unless a Conditional Use Permit is obtained for unlimited livestock.

**Town:** Approved.

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**TOWN ACTION RECOMMENDATION**
- □ Approved
- □ Denied

Subject To:
- □ Conditions
- □ Amendments

**ZLR COMMITTEE ACTION - REZONING**
- □ Postponed
- □ Approve
- □ Con by ZLR
- □ As Conditioned

- □ Amended
- □ Changed Zone Dist.
- □ Changed Boundary Description

**ZLR CUP APPROVAL**
- □ As Specified by Town
- □ DENY

**COUNTY BOARD ACTION**
- □ Referred
- □ Approved
- □ Amended on Floor
- □ DENY

**REZONING**
- □ Date

**County Board Agenda Item**
Public Hearing Date: 8/23/2011  Petition Number: 10325  Applicant: Dean Forseth

Town: Primrose  A1-EX Adoption: 12/16/1981  Orig. Farm Owner: Forseth, Don R.
Section: 01  1 Split Per 35 Acres Owned  Original Farm Acres: 143.96

Reasons/Notes:
Homesites created to date: 3 per CSM 7400

NOTES: Petition 8145 (cell tower) has a recorded deed notice prohibiting residential use. (See ROD Document # 4756179, in petition file).

If approved, this petition would exhaust the development potential for this property under the town / county plan. Deed restrictions prohibiting additional development should be required. See deed restriction report attached.

NOTE: Parcels included in the density study reflect farm ownership and acreage as of the date of town plan adoption, or other date specified. Density study is based on this original farm acreage, not acreage currently owned.

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TOWN BOARD ACTION REPORT – REZONE

Regarding Petition # 10325

Dane County Zoning & Land Regulation Committee Public Hearing Date 8/23/2011

Whereas, the Town Board of the Town of Primrose having considered said zoning petition, be it therefore resolved that said petition is hereby (check one): ○ Approved ○ Denied ○ Postponed

Town Planning Commission Vote: 5 in favor 0 opposed 0 abstained

Town Board Vote: 3 in favor 0 opposed 0 abstained

THE PETITION IS SUBJECT TO THE FOLLOWING CONDITION(S) (Check all appropriate boxes):

1. ○ Deed restriction limiting use(s) in the __________ zoning district to only the following:

2. ✔ Deed restrict the balance of A-1: EX Agricultural Exclusive zoned land owned by the applicant from the original farm (as of date specified in the Town Plan) prohibiting non-farm development. Please provide property description, or tax parcel number(s):

   The applicants of this action understand that the last density unit for this farm's original acreage will all be used and that there are no more density units left.

3. ○ Deed restrict the applicant’s property described below prohibiting division. Please provide property description, or tax parcel number(s):

4. ○ Condition that the applicant must record a Notice Document which states all residential development units (a.k.a. splits) have been exhausted on the property, and further residential development is prohibited under Town & County Land Use Planning policies. Please provide property description, or tax parcel number(s):

5. ○ Other Condition(s). Please specify:

Please note: The following space is reserved for comment by the minority voter(s), OR, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

Winnie Losenegger, as Town Clerk of the Town of Primrose, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on 7/19/2011

Town Clerk Winnie Losenegger Date: 7/22/2011
DAE COUNTY CERTIFIED SURVEY MAP NO.

BEING A DIVISION OF PART OF THE NW 1/4 OF THE NE 1/4 AND PART OF THE NE 1/4 OF THE NW 1/4, ALL LOCATED IN SECTION 1, T 6 N, R 7 E, TOWN OF PRIMROSE, DANE COUNTY WISCONSIN.

PREPARED FOR:
MARY FORSETH & MICHAEL PCHULIAN, 1624 SPRING ROSE RD., VERONA, WI. 53593

PREPARED BY:
BADGER SURVEYING AND MAPPING SERVICE LLC
525 WEST PRASST STREET, COLUMBUS, WI. 53925
OFFICE: 608-244-3010 FAX: 608-243-9810

NORTH 1/4 CORNER
SECTION 1, T6N, R7E
(FOUND ALUM. NOD.)

SOUTH 1/4 CORNER
SECTION 39, T6N, R7E
(FOUND ALUM. MON.)

SOUTH 1/4 CORNER
SECTION 39, T6N, R7E
(IRON PIPE SET)

SPRING ROSE ROAD

LOT 1
90,481 SQ. FT. OR 2.02 ACRES EXCL. ROAD R/W

LOT 2
56,399 SQ. FT. OR 1.26 ACRES EXCL. ROAD R/W

NOTE:
1) REFER TO BUILDING SITE INFORMATION CONTAINED IN THE DANE COUNTY SOIL SURVEY.

SCALE: 1" = 200'
### STAFF REPORT
**DANE COUNTY ZONING & LAND REGULATION COMMITTEE**

<table>
<thead>
<tr>
<th>Dane County Application for Change in Zoning or CUP</th>
<th>Hearing Date: 8/23/2011 Item #: 4</th>
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<tr>
<td>Zoning Petition #: 10326  C.U.P. #: 2176</td>
<td>Town/Section: Town of Deerfield/18</td>
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<table>
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<tr>
<th>Applicant: RANDALL KESSENICH</th>
<th>Location: 3969 Dvorak Road</th>
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<tr>
<td>Area: 2.2 acres Delayed Effective Date: YES</td>
<td>Rezone Reason: Seasonal indoor and outdoor boat storage and recreational vehicle service</td>
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<tr>
<td>Change: From A-1ex agricultural to LC-1 Limited Commercial</td>
<td>CUP Reason: Outdoor Storage</td>
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**Description:**
Randy and Karen Kessenich recently purchased the 73-acre Dvorak farm. They would like to use a portion of the land and existing buildings for recreational vehicle storage and repairs. The existing buildings will be used for repairs and storage along with an outside area that is located north of the buildings. Eventually several of the existing buildings will be removed and replaced with a single new building.

**Observations:**
The property is located just east of the Koshkonong Creek. Floodplain and wetlands are associated with this area. The existing house and farm building rest on a knoll above the sensitive environmental areas. The nearest residence is located approximately 1400 feet from the area proposed to be rezoned. See attached map.

**Town Plan:**
The property is located in the Agricultural Preservation Area. Small businesses are permitted in this area at the discretion of the Town Board.

**Staff:**
The property meets the dimensional standards of the zoning district.
Staff has prepared suggested conditions for the Conditional Use Permit to mitigate potential nuisances.

**Town:**
Rezoning: Approved with no conditions.
CUP: Approved with conditions.

---

### TOWN ACTION RECOMMENDATION

| □ Approved | □ Postponed | □ Approved □ Cond/Amnd Town | □ As Conditioned |
| □ Denied   | □ Cond/Amnd Comm | □ Amended □ Changed Zone Dist. | □ Changed Boundary Description |

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| IF CUP: | □ Condition □ None |

| □ DENY | | Action Date | Vote |

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<td>□ DENY</td>
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Public Hearing Date: 8/23/2011  
Petition Number: 10326  
Applicant: Randy & Karen Kessenich

Town: Deerfield  
A1-EX Adoption: 10/26/1971  
Orig. Farm Owner: Dvorak, Ben

Section: 18  
1 Split Per 35 Acres Owned  
Original Farm Acres: 74.80

Previous Density Study: 8/23/2011  
Original Splits: [74.80 / 35 = 2.14 ]  
Available Splits: 0

Reasons/Notes:
The eligible splits have been exhausted per CSMs 6519 and 7678.

Note that the town of Deerfield does not count commercial rezonings as a split against the density limitation.

The proposed rezoning appears consistent with the town density policy.

NOTE: Parcels included in the density study reflect farm ownership and acreage as of the date of town plan adoption, or other date specified. Density study is based on this original farm acreage, not acreage currently owned

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TOWN BOARD ACTION REPORT

Regarding Zoning Petition # 10326
Public Hearing 8/23/11

Whereas, the Town Board of the Town of ____________, having considered such zoning petition, did therefore resolve that said petition is hereby ____________ [Approved / Disapproved].

The Town Planning Commission,

consisting of ______ members voted ______ in favor and ______ opposed.

The Town Board,

consisting of ______ members voted ______ in favor and ______ opposed.

2. The above petition is subject to the following conditions: (Cross out or write none if there are no conditions)

   a. [List of outdoor signs, etc., and restrictions on height, size, color, etc.]

   b. [Other conditions as needed]

   c. The above Zoning Resolution shall be reviewed annually by the Town Planning Commission and the Board of Supervisors, and any additional requirements shall be amended or revoked accordingly.

   d. The above Zoning Resolution may be amended by a two-thirds vote of the Town Board.

Please note: If the proposed rezoning is approved by the Town Board, but this rezoning does not comply with the Town Land Use Plan, please explain the approval. These reasons are critical for the Planning Committee and the County Board in their consideration of the request.

   [Space for additional comments]

[End of document]

[Signature]
B. O'Keefe, as Town Clerk of the Town of ____________, County of ____________

Date: ____________

Town Clerk
Operational Plan. All applications for a conditional use permit must be accompanied by an operational plan that describes, at a detail acceptable to the Zoning Administrator, the following characteristics of the operation:

a. Hours of operation.
   - Monday through Friday, 8:00 a.m. – 4:30 p.m., Saturdays, 9:00 a.m. – 1:00 p.m.

b. Number of employees.
   - Three (3) of which one (1) is a non-family member.

c. Anticipated noise, odors, dust, soot, runoff or pollution and measures taken to mitigate impacts to neighboring properties.
   - Anticipated noise: None
   - Anticipated odor: None
   - Anticipated dust: None
   - Anticipated soot: None
   - Anticipated runoff or pollution: None
   - Measures taken to mitigate impacts to neighboring properties:
     - To minimize the impact to neighboring properties:
       - Clearly marked designated areas for customer parking
       - Outdoor storage will not be readily visible due to location and surrounding landscape elevations and plantings
       - Containers for the disposal of materials will be stored inside buildings

d. Descriptions of any materials stored outside and any activities, processing or other operations taking place outside an enclosed building.
   - Materials: No materials would be stored outside.
   - Activities: Customer drop off and pick up of recreational vehicles for service and or storage.
   - Processing or other operations: No processing or other operations will take place outside of an enclosed building.

e. Compliance with county stormwater and erosion control standards under Chapter 11 or Chapter 14, Dane County Code.

f. Sanitary facilities, including adequate private onsite wastewater treatment systems and any manure storage or management plans approved by the
Madison & Dane County Public Health Agency and/or the Dane County Land and Water Resources Department.

- Sanitary facilities: Toilet and hand washing facilities will be made available in the existing residential home.

**g.** Facilities for managing and removal of trash, solid waste and recyclable materials.

- Existing buildings will be used for the managing and removal of trash, solid waste and recyclable material. Separate containers for the disposal of liquid materials such as waste oil and waste gasoline will be clearly labeled.

**h.** Anticipated daily traffic, types and weights of vehicles, and any provisions, intersection or road improvements or other measures proposed to accommodate increased traffic.

- Anticipated daily traffic: December through March 0 – 2 vehicles per day, April through November 1-5 vehicles per day.
- Types and weights of vehicles: Cars and light duty trucks towing recreational vehicles.
- Any provisions, intersection or road improvements: None needed or anticipated.
- Other measures proposed to accommodate increased traffic: None.

**i.** A listing of hazardous, toxic or explosive materials stored on site, and any spill containment, safety or pollution prevention measures taken.

- Listing of hazardous, toxic or explosive materials stored on site:
  - Gasoline: Gasoline is stored in approved portable containers.
  - Oil: Oil is stored in 55-gallon steel drums.

- Spill containment:
  - To limit the size of a spill, gasoline is stored in containers that do not exceed 6 gallons in size. Gasoline containers will be placed in a noncombustible, liquid tight pan or tray of sufficient capacity to contain the contents of the largest container.

- Safety or pollution prevention measures taken:
  - Waste oil and gasoline are recycled, using a certified waste hauler.

**j.** Outdoor lighting and measures taken to mitigate light-pollution impacts to neighboring properties.
Conditional Use Permit Application
3969 Dvorak Rd., Deerfield, WI 53531
Parcel #024/0712-183-9000-3
Applicants: Randy and Karen Kessenich

- Outdoor lighting: Existing outdoor lighting consists of three (3) mercury vapor dusk to dawn lights.
  - One located on the machine shed building
  - One located on a pole next to the shop building
  - One located on the detached two-car garage building

- Measures taken to mitigate light-pollution impacts to neighboring properties. Due to the distance of neighboring properties and location of the three (3) existing outdoor lights there should not be any light-pollution impacts to neighboring properties.

k. Signage.
- There will be a 9’ x 5’ non-lit monument sign.
DANE COUNTY
CONDITIONAL USE PERMIT #2176

THE ZONING AND LAND REGULATION COMMITTEE OF THE DANE COUNTY BOARD PURSUANT TO SECTION 10.255(2) OF THE DANE COUNTY CODE OF ORDINANCES DOES HEREBY:

GRANT Conditional Use Permit #2176 for Outdoor storage of recreational vehicles in the LC-1 Zoning District pursuant to Dane County Code of Ordinance Sections 10.111(3)(a), and subject to any conditions contained herein.

EFFECTIVE DATE OF PERMIT: Pending

THE CONDITIONAL USE SHALL BE LOCATED ON THE PROPERTY DESCRIBED AS FOLLOWS: 3969 Dvorak Road, Town of Deerfield, Dane County

LEGAL DESCRIPTION:
Part of the SW ¼ of the SW ¼ of Section 18, T.7N., R.12E., Town of Deerfield, Dane County, Wisconsin, described as follows: Commencing at the Southwest corner of Section 18; thence N00°04'52"W along the West line of Section 18, 830.71 feet; thence S89°40'01"E, 281.73 feet to the point of beginning; thence continue S89°40'01"E, 190.00 feet; thence S00°19'59"W, 310.00 feet; thence S89°40'01"E, 54.00 feet; thence S00°19'59"W, 186.54 feet to the centerline of Dvorak Road; thence S68°51'38"W along said centerline, 54.19 feet to the point of curvature of a curve to the left, said curve having a radius of 430.00 feet, the long chord of which bears S60°15'55"W, 128.53 feet; thence Southwesterly along the arc of said curve and centerline, 129.01 feet to its point of tangency thereof; thence N38°19'49"W, 87.97 feet; thence N19°14'01"E, 195.97 feet; thence N32°02'44"W, 96.74 feet; thence N89°40'01"W, 39.05 feet; thence N00°19'59"E, 245.00 feet to the point of beginning. Containing 2.23 acres to road centerline.

CONITIONS:

1. Outdoor storage shall be limited to boats, recreational vehicles, and trailers. The storage of cars and trucks are prohibited.
2. A berm shall be placed along the north and east property lines to screen the storage area from view from Dvorak Road.
3. Hours of operation shall be Monday through Friday 8:00am to 4:30pm, Saturday 9:00am to 1:00pm.
4. No additional lighting shall be installed other than the replacement of the (3) mercury vapor lights as noted in the information.
5. The Town of Deerfield shall review the conditions of the property annually. If nuisances are found on the property, the conditional use permit shall be reviewed by the County under Dane County Code of Ordinance section 10.255.
THE ZONING AND LAND REGULATION COMMITTEE AFTER PUBLIC HEARING 
AND IN THEIR CONSIDERATION OF THE CONDITIONAL USE PERMIT MADE THE 
FOLLOWING FINDINGS OF FACT:

1. That the establishment, maintenance and operation of the proposed conditional use will not be 
detrimental to or endanger the public health, safety, morals comfort or general welfare.

2. That the uses, values, and enjoyment of other property in the neighborhood for purposes already 
permitted will not be substantially impaired or diminished by the establishment, maintenance, and 
operation of the proposed conditional use.

3. That the establishment of the proposed conditional use will not impede the normal and orderly 
development and improvement of the surrounding property for uses permitted in the district.

4. That adequate utilities, access roads, drainage and other necessary site improvements will be 
made.

5. That adequate measures will be taken to provide ingress and egress so designed as to minimize 
traffic congestion in the public streets.

6. That the proposed conditional use does conform to all applicable regulations of the district in 
which it is proposed to be located.

EXPIRATION OF PERMIT

In addition to any time limit established as a condition in granting this CUP, Section 
10.25(2)(n) of the Dane County Code of Ordinances provides that any use for which a 
conditional use permit has been issued, upon its cessation or abandonment for a period 
of one year, will be deemed to have been terminated and any future use shall be in 
conformity with the ordinance.
Dane County Application for Change in Zoning or CUP

<table>
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<th>Zoning Petition #:</th>
<th>10327 C.U.P. #:</th>
<th>Hearing Date: 7/26/2011</th>
<th>Item #:</th>
<th>5</th>
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**Applicant:** Gregory Haack

**Location:** At 3860 Barlow Road

**Area:** 16.7, 3.0 ac

**Delayed Effective Date:** Yes

**Change:** From A-1ex agricultural to A-2 Agricultural and RH-1 Rural Homes

**Proposed Use:** SEPARATION EXISTING RESIDENCE AND FARM BUILDINGS FROM THE FARM AND CREATION OF ONE LOT FOR OWNER

**Description:**
The petitioner would like to separate the existing farm buildings from the 275-acre farm. This area will be sold and used to raise beef cattle. The petitioner would also like to create a retirement home site along Mineral Point Road.

**Observations:**
The proposed RH-1 lot is fully wooded. The northeast corner of the site has slopes exceeding 12%.

**Town Plan:**
The property is located in the Agricultural Preservation Area. If this petition is approved, the original farm will have 6 housing density rights remaining.

**Staff:**
The proposal meets the dimensional standards of the zoning district.

**Note:** Since the A-2 district is over 16 acres; the district will allow unlimited livestock.

**Town:** Approved.

---

**ZLR COMMITTEE ACTION - REZONING**

- □ Postponed
- □ Approve □ Cond/Amnd Town □ Cond/Amnd Comm
- □ As Conditioned
- □ Amended □ Changed Zone Dist.
- □ Changed Boundary Description
- □ DENY

**ZLR CUP APPROVAL**

- □ Approved □ As Specified by Town
- □ Con by ZLR □ DENY

**COUNTY BOARD ACTION**

- □ Referred
- □ Approved □ DENY

**REZONING**

- Amended on Floor

**County Board Agenda Item**
DRAFT: FOR DISCUSSION PURPOSE ONLY

IMPORTANT NOTE: ACREAGE VALUES AND OWNERSHIP HEREIN ARE DERIVED FROM HISTORICAL AND CURRENT RECORDS LOCATED AT THE DANE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT (E.G. GIS, PLAT BOOKS, ZONING PERMIT DATA, CSM'S, ETC). DENSITY POLICIES VARY AMONG TOWNS AND MAY REQUIRE INTERPRETATION.


SECTION: 20    1 SPLIT PER 35 ACRES OWNED    ORIGINAL FARM ACRES: 275.94


REASONS/NOTES:

Homesites created to date:
1 per CSM 6817

NOTE: Parcels included in the density study reflect farm ownership and acreage as of the date of town plan adoption, or other date specified. Density study is based on this original farm acreage, not acreage currently owned.

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TOWN BOARD ACTION REPORT

Regarding Petition # 10327  Dane County ZNR Committee Public Hearing

Whereas, the Town Board of the Town of Cross Plains having considered said zoning petition, be it therefore resolved that said petition is hereby Approved/Disapproved (circle one).

THE TOWN PLANNING COMMISSION, consisting of 3 members voted 3 in favor, and 0 opposed.

THE TOWN BOARD, consisting of 5 members voted 4 in favor and 1 abstained.

THE PETITION IS SUBJECT TO THE FOLLOWING CONDITION(S) (CHECK ALL APPROPRIATE BOXES):

☐ Deed restriction limiting permitted uses in the _____ zoning district to only the following:

☐ Deed restriction prohibiting further division for non-farm single-family residential development on the balance of lands owned by petitioner from the original farm (as of date specified in Town Plan). Please provide property description, or tax parcel numbers:

☐ Deed restriction prohibiting single-family residential development in the _____ zoning district.

☐ Notice stating that no further divisions for single-family residential development remain on all lands comprising the original farm (as of date specified in Town Plan).

☐ Other conditions (please specify):

PLEASE NOTE: The following space, and additional pages as needed, are reserved for comment by the minority voter(s), OR, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Land Use Plan.

I, Namy Meischl, as Town Clerk of the Town of Cross Plains, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on August 16, 2011.


Town Clerk
Thom R. Grenlie, hereby certify that this survey is in compliance with Chapter 236.34 of Wisconsin Statutes.
I also certify that I have surveyed and mapped the lands described hereon and that the map is a correct representation of all exterior boundaries of the land surveyed and the division of that land with the information provided.

Thom R. Grenlie, Registered Land Surveyor

LEGAL DESCRIPTION FOR REZONING FROM A-1EX TO RH-1:
PART OF THE SE1/4 OF THE SE1/4 OF SECTION 20, T7N, R7E, TOWN OF CROSS PLAINS, DANE CO., WI, DESCRIBED THUSLY: BEGINNING AT THE SOUTHEAST CORNER OF THE SAID SW1/4, SE1/4; THENCE NORTH 440'; THENCE WEST 300'; THENCE SOUTH 440'; THENCE EAST 330' TO P.O.B. CONT. 3 ACRES

SOILS: 100% CLASS VI

PIN: 0707-204-9000-8

INTENT & PURPOSE: TO ALLOW NEW HOME FOR FARM OWNER/OPERATOR

SURVEYED FOR: GREG & PAM HAACK 669-6142
3830 BARLOW ROAD, MT. HOREB, WI 53572
DESCRIPTION-LOCATION: PART SW1/4, SE1/4, SEC. 20-7-7
TOWN OF CROSS PLAINS, DANE CO., WI
APPROVED FOR RECORDING PER DANE COUNTY ZONING & LAND REG. COMM. ACTION OF
REGISTER OF DEEDS CERTIFICATE
Received for recording this day at o'clock m.
and recorded in Volume of Certified Survey Maps of Dane County on Page

OFFICE MAP NO. ______

DOCUMENT # ______
CERTIFIED SURVEY MAP # ______, Vol. ______, Page ______
### Staff Report

**Dane County Zoning & Land Regulation Committee**

<table>
<thead>
<tr>
<th>Dane County Application for Change in Zoning or CUP</th>
<th>Hearing Date: 8/23/2011 Item #: 6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning Petition #: NONE C.U.P. #: DCPCUP-2011-02177</td>
<td>Town/Section: Town of Madison/36</td>
</tr>
<tr>
<td>Applicant: ASSEMBLY OF PENTECOSTAL CHURCH</td>
<td>Location: at 340 Coyier Lane</td>
</tr>
<tr>
<td>Area: 0.7 acres Delayed Effective Date: NO</td>
<td>Proposed Use: ALLOW RELIGIOUS USES</td>
</tr>
</tbody>
</table>

**Description:** The applicant, Rev. Centeno, is requesting approval to hold church services at 340 Coyier Lane. The building was previously used by the Wisconsin Police Association as their headquarters.

**Observations:** The property is located in an established neighborhood primarily consisting of commercial/industrial office buildings.

The property currently has 50 parking spaces (surface/in-building). The church has agreements with the neighboring property owners, Harker Heating and WEA, to use their parking areas for overflow parking.

**Town Plan:** The 1978 Town Plan describes this area consisting of existing commercial and residential development. The City of Madison Neighborhood Plan designates this area to be used for commercial purposes.

**Staff:** Staff is suggesting limits on attendees due to the amount of parking on the property. See suggested conditions.

**Town:** Approved.

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### Town Action Recommendation

- [ ] Approved
- [ ] Denied

Subject To:
- [ ] Conditions
- [ ] Amendments

**IF CUP:**
- [ ] Conditions
- [ ] None

---

### ZLR Committee Action - Rezoning

- [ ] Postponed
- [ ] Approve
- [ ] Cond/Amnd Town
- [ ] Cond/Amnd Comm
- [ ] As Conditioned

- [ ] Amended
- [ ] Changed Zone Dist.
- [ ] Changed Boundary Description

- [ ] DENY

**Action Date**

**Vote**

---

### ZLR Cup Approval

- [ ] Approved
- [ ] As Specified by Town
- [ ] DENY

**County Board Action Rezoning**

- [ ] Referred
- [ ] Approved
- [ ] DENY

**Date**

- [ ] Amended on Floor
- [ ] County Board Agenda Item
TOWN BOARD ACTION REPORT – CONDITIONAL USE PERMIT

Regarding Petition # DCP-UUR-2011-00177 Dane County ZLR Committee Public Hearing Tuesday, August 23, 2011

Whereas, the Town Board of the Town of Madison having considered said conditional use permit application, be it therefore resolved that said conditional use permit is hereby (check one): ☑ APPROVED
☐ DENIED (IF DENIED, PLEASE COMPLETE FINDINGS SECTION ON PAGE 2)

PLANNING COMMISSION VOTE: 0 In Favor 0 Opposed

TOWN BOARD VOTE: 2 In Favor 0 Opposed

Whereas, in support of its decision, the Town Board has made appropriate findings of fact that the standards listed in section 10.255(2)(h), Dane County Code of Ordinances, and section 10.123(3)(a), if applicable, are found to be (check one):
☑ SATISFIED
☐ NOT SATISFIED (PLEASE COMPLETE FINDINGS SECTION ON PAGE 2)

THE CONDITIONAL USE PERMIT IS SUBJECT TO THE FOLLOWING CONDITION(S):


PLEASE NOTE: The following space, and additional pages as needed, are reserved for comment by the minority voter(s), OR, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

I, Renee Schwass, as Town Clerk of the Town of Madison, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on Monday, August 08, 2011

Renee Schwass Town Clerk
Wednesday, August 10, 2011 Date
THE ZONING AND LAND REGULATION COMMITTEE OF THE DANE COUNTY BOARD
PURSUANT TO SECTION 10.255(2) OF THE DANE COUNTY CODE OF ORDINANCES
DOES HEREBY:

GRANT Conditional Use Permit #2177 for Religious Uses pursuant to Dane County
Code of Ordinance Sections 10.14(2)(o), and subject to any conditions contained herein.

EFFECTIVE DATE OF PERMIT: Pending

THE CONDITIONAL USE SHALL BE LOCATED ON THE PROPERTY DESCRIBED AS
FOLLOWS: 340 Coyier Lane, Town of Madison, Dane County

LEGAL DESCRIPTION:
Part of the Southwest ¼ of the Northeast ¼ of Section 36, Township 7 North, Range 9 East, Town of
Madison, Dane County, Wisconsin, described as follows: Commencing at a point on the West line of said
Southwest ¼ of the Northeast ¼, 892.6 feet North of the Southwest corner thereof; thence Easterly at
right angles 198.0 feet to the point of beginning of this description; thence at right angles Northerly 120.00
feet; thence at right angles East 252.0 feet; thence at right angles Southerly 120.0 feet; thence at right
angles Westerly 252.0 feet to the point of beginning.

CONDITIONS:

1. The Congregation shall be limited to 300 persons based on existing on-site parking.

2. The hours of operation shall be limited to 7:00am to 9:30pm, Monday through
   Sunday.

THE ZONING AND LAND REGULATION COMMITTEE AFTER PUBLIC HEARING
AND IN THEIR CONSIDERATION OF THE CONDITIONAL USE PERMIT MADE THE
FOLLOWING FINDINGS OF FACT:

1. That the establishment, maintenance and operation of the proposed conditional use will not be
detrimental to or endanger the public health, safety, morals comfort or general welfare.

2. That the uses, values, and enjoyment of other property in the neighborhood for purposes already
permitted will not be substantially impaired or diminished by the establishment, maintenance, and
operation of the proposed conditional use.

3. That the establishment of the proposed conditional use will not impede the normal and orderly
development and improvement of the surrounding property for uses permitted in the district.
4. That adequate utilities, access roads, drainage and other necessary site improvements will be made.

5. That adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

6. That the proposed conditional use does conform to all applicable regulations of the district in which it is proposed to be located.

**EXPIRATION OF PERMIT**

In addition to any time limit established as a condition in granting this CUP, Section 10.25(2)(n) of the Dane County Code of Ordinances provides that any use for which a conditional use permit has been issued, upon its cessation or abandonment for a period of one year, will be deemed to have been terminated and any future use shall be in conformity with the ordinance.
To: Dane County Zoning

Conditional Use Permit Petition

Our Church request permit for CUP in the property 340 Coyier LN Madison WI 53713 for religious exercise. The property will be used for general offices, conference rooms, Assembly, banquet rooms & storage. The facilities have a exterior parking spaces of 40 & 15 interior heater total of 55 plus we contact Harker Heating & Cooling in the back our building for used his 20 parkings for future activities permit granted. The property is suitable because the Wisconsin Police Association owner the property for more than 20 years for his Hedquaters using for offices & Assembly.

The Church hours operation office are

8:00 - 3:00 Monday to Friday

Services

Monday Bible Study 7:00 - 8:30
Tuesday Children's 7:00 - 8:30
Wednesday Seminars 7:00 - 9:00
Thursday Young's 7:00 - 8:30
Saturdays 6:00 - 8:30
Sunday Morning 10:00 - 12:00
Sunday Afternoon 5:00 - 7:30

The Church have only the pastor employee and many members are volunteers. The church have 95 children's, 70 adults, 15 Young total 180 members.
August 3, 2011

To whom it may concern,

Harker Heating & Cooling, Inc. located at 87 W. Beltline Hwy in the town of Madison gives permission to the Church Assembly of Pentecostal Church at 340 Couier lane to use our parking lot on nights after 6:00 pm and weekends for church services and activities. They can use as many spots as needed that are on our property, total of about 20 spots, with the exception of the slant parking spots along the 77 W. Beltline Hwy (the white building) as we plan to rent this property.

Harker Heating will not be held accountable for any damage to vehicles or any personal injuries that happen on our property while those spots are in use.

This agreement will be void immediately if we notice any undesirable behavior. This list includes but is not limited to: un-authorized dumping or taking of scrap, loitering, property damage, illegal activity of any kind, littering, anything that would hinder our normal business practices such as leaving vehicles in our lot outside of the agreed nights and weekends.

Nights and weekends are the time most common for our snow removal company to clear our lot. If they are unable to completely clear our lot due to parked cars, it will be the responsibility of the Church Assembly of Pentecostal Church to remove the snow so that we may start to conduct business by 6:00am the next morning. It will also be the responsibility of the Church Assembly of Pentecostal Church to report any suspicious activity witnessed while using the lot.

[Signature]

Luke Heiar
Co-owner/VP
Harker Heating & Cooling, Inc.
LukeH@HarkerHeating.com
MEMORANDUM

TO: Reverend Centeno
FROM: Scott Riddle
DATE: July 27, 2011
RE: Parking

You have our permission to use our parking lot for special events (usually three to four times a year). Please let us know in advance by sending an email to our security staff at buildingsecurityofficers@wetrust.com. If you have any other questions or concerns, you can contact me by calling 661-6765 or emailing me at sriddle@wetrust.com.

Sincerely,
Scott Riddle
Building Services Manager
WEA Trust
661-6765

Cc: Dane County Zoning, Town of Madison
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**STAFF REPORT**
**DANE COUNTY ZONING & LAND REGULATION COMMITTEE**

**Dane County Application for Change in Zoning or CUP**
- **Zoning Petition #:** DCPREZ-2011-10341
- **Applicant:** Livesey Equestrian Park LLC
- **Location:** 1649 South Sharpes Corner Road
- **Area:** 0.1 acre
- **Delayed Effective Date:** NO
- **Proposed Use:** Rezone lands out of wetlands

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**Notification:**
- **Postponed**

---

**Description:** Quam Engineering requests that a 4600 square feet area be removed from the Shoreland Wetland Zoning District in order to construct a driveway across a stream. The wetland was identified in the erosion control permitting process.

**Observations:** There is an unnamed perennial stream that separates the property from South Sharpes Corner Road. Steep slope topography is associated with the lands further to the west.

**Town Plan:** The Town Plan designates this area as a Mixed Agricultural/Low Density area.

**Staff:** Staff recommends postponement until the DNR completes its review of the proposed land disturbance in wetland area.

**Town:** Approved.

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**TOWN ACTION RECOMMENDATION**
- **Approved**
- **Denied**

**Subject To:**
- **Conditions**
- **Amendments**

**IF CUP:**
- **Conditions**
- **None**

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**ZLR COMMITTEE ACTION - REZONING**
- **Postponed**
- **Approve**
- **Cond/Amnd Town**
- **Cond/Amnd Comm**
- **As Conditioned**
- **Amended**
- **Changed Zone Dist.**
- **Changed Boundary Description**
- **DENY**

Action Date: ___________  Vote: ___________

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**ZLR CUP APPROVAL**
- **Approved**
- **As Specified by Town**
- **DENY**

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**COUNTY BOARD ACTION REZONING**
- **Referred**
- **Approved**
- **DENY**
- **Amended on Floor**

County Board Agenda Item: ___________
Petition 1010341

Livesey Equestrian Park
Removal of Wetlands
TOWN BOARD ACTION REPORT – REZONE

Regarding Petition #10341

Dane County Zoning & Land Regulation Committee Public Hearing Date 8/23/2011

Whereas, the Town Board of the Town of Springdale having considered said zoning petition,

be it therefore resolved that said petition is hereby (check one):

☒ Approved ☐ Denied ☐ Postponed

Town Planning Commission Vote: 0 in favor 0 opposed 0 abstained

Town Board Vote: 3 in favor 0 opposed 0 abstained

THE PETITION IS SUBJECT TO THE FOLLOWING CONDITION(S) (Check all appropriate boxes):

1. ☐ Deed restriction limiting use(s) in the __________ zoning district to only the following:

2. ☐ Deed restrict the balance of A-1 EX Agricultural Exclusive zoned land owned by the applicant from the original farm (as of date specified in the Town Plan) prohibiting non-farm development. Please provide property description, or tax parcel number(s):

3. ☐ Deed restrict the applicant’s property described below prohibiting division. Please provide property description, or tax parcel number(s):

4. ☐ Condition that the applicant must record a Notice Document which states all residential development units (a.k.a. splits) have been exhausted on the property, and further residential development is prohibited under Town & County Land Use Planning policies. Please provide property description, or tax parcel number(s):

5. ☑ Other Condition(s). Please specify:

The Springdale Town Board approved a driveway permit for the Livesey property, then owned by John Oltman, on Dec. 20, 2010. The approved minutes of the Dec. 20, 2010, Town Board meeting state: MOTION by Hefty/Schwenn to approve the Driveway Permit Part 1 and II as depicted on the "Oltman Property Driveway Existing Site Plan and Grading and Erosion Control Plan," dated Dec. 6, 2010, by Quam Engineering, LLC. Discussion: As a follow-up to the TB meeting of 5/17/10, the Oltmans have submitted an engineered plan of the proposed driveway showing conformance with the Town of Springdale Driveway Construction Guide and provided documentation from the Town of Primrose that the land to be served by this driveway is a buildable site. Town of Primrose Planning Commission Site Visit, Nov. 6, 2010, and Town of Primrose Board of Supervisors meeting minutes, Nov. 16, 2010, confirm the potential house site. Motion to approve carried 3-0.

Please note: The following space is reserved for comment by the minority voter(s), OR, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

I, ____________________________, as Town Clerk of the Town of_________________, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on 12/20/2010

Town Clerk: Vicki Anderson Date: 8/16/2011
MEMORANDUM

TO: Zoning & Land Regulations Committee
FROM: Brian Standing, Senior Planner
DATE: August 10, 2010

SUBJECT: Petition 10341 (Shoreland-Wetland Rezone, Town of Springdale)

CC: Roger Lane, Zoning Administrator
    Livesey Equestrian Park, LLC, Petitioner
    Dan Hunt, Wisconsin DNR, Horicon Office
    Vicki Anderson, Town of Springdale Clerk

Petition 10341 would rezone approximately one tenth of an acre out of the shoreland wetland zoning district to allow for a driveway crossing and a culvert. This wetland is not shown in the current Wisconsin Wetland Inventory maps, but was discovered by the engineer hired to complete the erosion control plan for the site. Section 11.10 of the Dane County Shoreland Zoning Ordinance requires the county to make findings that none of six functional values are adversely impacted before approving any rezone out of the shoreland wetland zoning district.

The Wisconsin DNR is currently reviewing a wetland fill permit and water quality certification under the federal Clean Water Act for the same site. Dan Hunt, of the WI DNR, tells me he expects to have completed the permit process by August 18. The DNR’s review includes an assessment of the same six functional values as those required under county ordinance.

Staff recommends postponement of Petition 10341 until the September 13, 2011 work meeting, to allow time for the DNR to complete its permit review.
July 20, 2011

Dane County Planning & Development
Attn: Pat Klinkner
210 Martin Luther King, Jr. Blvd.
Madison, WI 53703-3342

Re: Livesey Equestrian Park – Petition to Rezone (Parcel #0607-323-9530-0)

Mr. Pat Klinkner,

As discussed on July 19th, Livesey Equestrian Park, LLC is submitting a Petition to Rezone 4,583 square feet of wetlands to allow for the construction of a private driveway to serve two residential home sites. Attached as a part of this application are the following:

1) Legal Description of the land proposed to be rezoned;
2) Grading and Erosion Control Plan;
3) Town of Springdale Driveway Permit (note that this references the previous owner “John Oltman”);

The existing property consists of approximately 120 acres in the Town of Springdale and approximately 100 acres in the Town of Primrose is used as a residence with farm to raise cattle. The existing property at the wetland crossing is used as cattle pasture area.

The neighboring property located seventy feet to the south is a 18 acre property of residential use with mailing address 9099 Colby Road, Village of Mount Horeb. The neighboring property located across South Sharpes Corner Road is tilled land owned by the applicant. The neighboring property located 1,270 feet to the north is a 142 acre property with partially tilled land. The neighboring property located 2,350 west is a 55 acre property with partially tilled land.

The 4,583 square feet of area petitioned to be rezoned is required for the construction of a residential driveway as shown on the attached Grading and Erosion Control Plan. The only access to the home sites, which are located on the land owned by the applicant in the Town of Primrose is from South Sharpes Corner Road. The driveway alignment and slope have been designed to meet Town of Springdale requirements. The plans have been reviewed by the Town of Springdale and the Town Driveway Permit is attached.

Since the intermittent stream and wetlands lie between the home sites and South Sharpes Corner Road, the driveway to be constructed to access the home sites must cross the wetlands and intermittent stream. The proposed gravel driveway crosses the unnamed intermittent stream approximately 225 feet west of South Sharpes Corner Road. The driveway width will be limited to the minimum 16 feet required by the Town of Springdale for a shared driveway and has been designed to cross the wetlands at the narrowest point.

Excess dredged and excavated material will be hauled off site and disposed of properly. The initial land disturbing activity will be to install all sedimentation and erosion control measures
including the stone construction entrance and silt fence. Best management practices will be used
to minimize the impacts to wetlands and waterways. Construction is anticipated to commence in
September of 2011 and be completed within one month.

The proposed rezoning and the associated proposed culvert, grading, and filling will not
adversely impact the storm and flood water storage capacity because the proposed culverts will
exceed the capacity of the existing culvert which is located under the farm drive approximately
100 feet upstream. I will forward you a letter from Stantec Consulting by Friday, July 22, 2011
to address Dane County Ordinance 11.10(2) items (b), (c), (e), (f), and (g).

If there are any questions or comments, please feel free to contact me.

Sincerely,

[Signature]

Ryan D. Quam, P.E.

Cc: John McEwan via email
    John Livesey via email
    Vicki Anderson via email

FN: JO-01-04
July 25, 2011

Dane County Planning and Development
Room 116, City-County Building
210 Martin Luther King, Jr. Boulevard
Madison, WI 53703

RE: Livesey Equestrian Park – Petition to Rezone (Parcel #0607-323-9530-0)

Dear Dane County Planning and Development Staff:

On behalf of Livesey Equestrian Park, LLC, Stantec Consulting Services Inc. ("Stantec") is providing you with the following information to apply for wetland rezoning for construction of a residential driveway in compliance with Dane County’s Shoreland, Shoreland-Wetland and Inland-Wetland Ordinance, specifically Chapter 11.10 "Rezoning of Lands in the Shoreland-Wetland and Inland-Wetland Districts". The proposed driveway is necessary for gaining access to new home building sites and will result in 4,583 sq.ft. of wetland that will be converted to upland. Additional information regarding the purpose for the driveway and design features were provided by Quam Engineering in a separate submittal. The purpose of this submittal is to specifically address the extent of any impacts the driveway may have on important wetland functional values.

A field verified wetland delineation was completed by Jeff Kraemer of Stantec on April 14, 2011 and documented in a wetland delineation report dated April 27, 2011. Please refer to the wetland delineation report for specific information regarding the wetland boundary determination.

**WETLAND IMPACT ASSESSMENT**

Please refer to the Rapid Assessment Methodology for Evaluating Wetland Functional Values worksheet for further details regarding specific functional values of the wetland (attached).

**Wetland Functional Values and Impact Assessment**

**Storm and Flood Water Storage.**

The wetland swale ranges from 50 to 75 feet wide in general, and was excavated approximately 2 feet deep in what may have been a naturally-occurring drainage swale. The swale drains surface water from the adjacent agricultural fields and facilities water movement from the upper reaches of the watershed. The swale becomes part of a more naturalized unmade tributary south of the property and eventually is tributary to the W. Branch Sugar Creek. Because the swale is designed to be a conveyance feature – straight, narrow, with no obstacles and lies on a relatively steep gradient - it provides minimal stormwater and floodwater storage functions.

*Proposed Impacts.* The installation of culverts, also designed as conveyance features, will not adversely impact the storm and flood water storage functions of the swale. The culverts were appropriately designed to have adequate capacity to convey flows.

**Groundwater Recharge and Discharge.**

The groundwater recharge and discharge functions of this wetland ranked low. No springs were observed, and the wetland is located in a topographic low. Since the swale only conveys surface water it is unlikely to have a significant contribution to the baseflow of the downstream tributary.

*Proposed Impacts.* No significant impacts to groundwater functional values of this wetland will occur as a result of the culverts.
**Water Quality Protection.**

Water quality protection of this wetland ranked as low primarily because, even though the surrounding agricultural field has the potential to deliver nutrient and sediment loads into the wetland, the swale has little capability to perform stormwater storage and settling of suspended solids. The swale is densely vegetated, which means that it could filter water, but the swale conveys water as opposed to retaining it, reducing the effectiveness of the vegetation as a filter/settling agent.

**Proposed Impacts.** No significant impacts to the water quality protection function of this wetland resulted from the construction of the culverts. The culverts convey water in much the same way that the swale does.

**Shoreline Protection.**

The swale is a linear feature in the landscape with intermittent flows during heavy rain events. The vegetation in the swale provides well stabilized banks.

**Proposed Impacts.** No significant impacts to shoreline protection will result from the culverts. The culverts will provide bank stability to the section of the swale that they are in.

**Fishery Habitat.**

There is no fishery habitat in the swale.

**Wildlife Habitat.**

The swale has very limited significance for wildlife habitat because it is a very narrow, linear feature within an active agricultural field and pasture with limited cover or adjacent habitat.

**Proposed Impacts.** The culverts remove a portion of the wildlife habitat by removing the vegetation. The culverts will continue to provide passageway for small wildlife, but will force larger mammals, such as deer, to detour around them.

**Aesthetics/Recreation/Education.**

The wetland serves limited aesthetic, recreation, or educational functions. At this time it is under private ownership with restricted public access. The wetland is not a unique or rare wetland type that encourages human exploration or research, and the density of reed canary grass inhibits movement. Furthermore, the surrounding landscape is comprised of agricultural land, roadways, and a residence, which devalues the significance of the wetland for aesthetics/recreation/education.

**Proposed Impacts.** No significant impacts to the aesthetic, recreation, or educational values of this wetland will occur as a result of the proposed project. The proposed project will not result in reduced human usage of this wetland, but will likely increase human usage of the wetland due to the increased access this will allow.

**Floral Diversity.**

This wetland has limited floristic diversity. The wetland is dominated primarily by invasive and common plant species which severely limits the floristic diversity. The portion of the wetland where the crossing is proposed is currently grazed as pasture.

**Proposed Impacts.** No significant impacts to floristic diversity will occur as a result of the proposed project. The wetland supports a limited number of primarily common and invasive plant species.
Summary

Based on the limited functional values provided by the wetland feature and limited amount of disturbance proposed to the wetland with the driveway crossing, it is Stantec's professional opinion that this project, as proposed, will not result in any significant adverse impacts to the wetland functional values.

If you have any questions or require any additional information please feel free to contact me directly.

Sincerely,

STANTEC CONSULTING SERVICES INC.

Jeff Kraemer
Senior Scientist/Project Manager
Tel: (608) 839-2010
Fax: (608) 839-1995
Jeff.Kraemer@stantec.com

Attachments:

Rapid Assessment Methodology Wetland Functional Values Assessment