

**Land Resources and Parks Department  
Staff Report**

**Town Rezoning Petition # 2018-0881**

**Filing Date: November 2, 2018**

**Committee Review Date: December 3, 2018**

**Owner:**

Patrick and Tonya Buchanan  
508 Killian Tr.  
Cottage Grove, WI 53527

**Location:**

PIN# 036-0913-1731-001

Part of the NE ¼ of the SW ¼, Section 17, Town of Portland, Dodge County, Wisconsin, the site address being W11889 Sullivan Road.

**Request:**

A petition to rezone approximately 1.5-acres of land under the Town of Portland Zoning Ordinance, from the A-1 Farmland Preservation Zoning District to the A-2 General Agriculture Zoning District has been submitted by the Town of Portland Town Board to the Dodge County Board of Supervisors to allow for the construction of a non-farm residence on this lot.

**Land Use Code Provisions:**

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

**Physical Features of Site**

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

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

Portions of the property are located within the County's Shoreland and Floodplain Ordinances.

Portions of the area to be rezoned are designated as floodplain and wetlands.

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

Land Use, Site: Agricultural

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

Designated Archaeological Site:      Yes               No

The proposal is consistent with the Dodge County Comprehensive Plan:

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

**STAFF ADVISORY:**

***This staff advisory is only advice to the Planning, Development and Parks Committee. The Committee may or may not consider the advice of the staff and decision making authority is vested in the Committee only.***

**Town Rezoning Petition**

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

**Dodge County Land Resources and Parks Committee Decision**

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**CONCLUSIONS OF LAW**

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

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

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

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

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

Comments

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

Motion second \_\_\_\_\_

**Vote**

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

**Motion (Carried / Denied)**

Dodge County Land Resources and Parks Committee

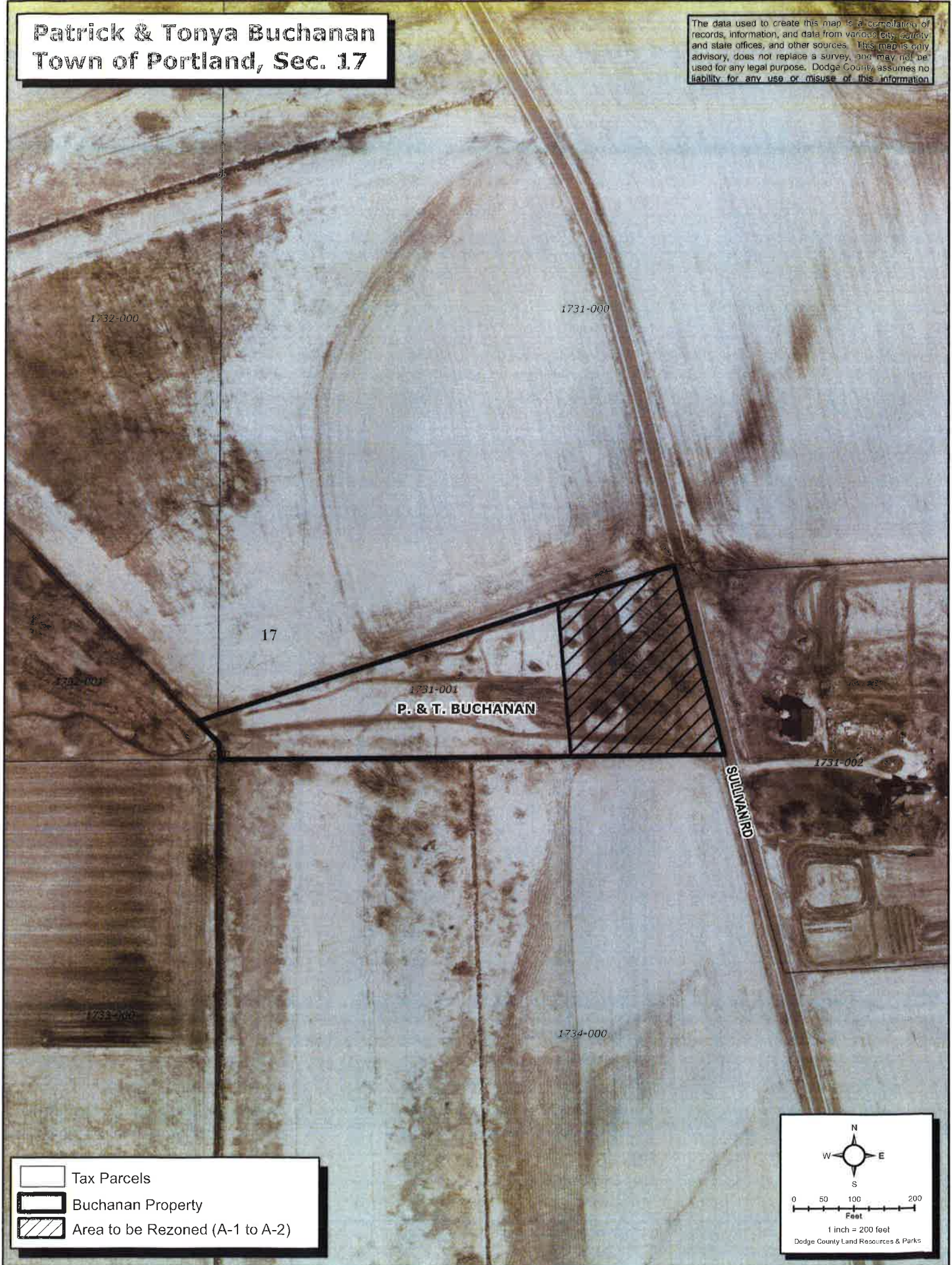
Signed \_\_\_\_\_ Attest \_\_\_\_\_  
Chairperson Secretary


Dated: \_\_\_\_\_


Filed: \_\_\_\_\_


**Patrick & Tonya Buchanan  
Town of Portland, Sec. 17**

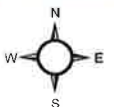
The data used to create this map is a compilation of records, information, and data from various city, county and state offices, and other sources. This map is only advisory, does not replace a survey, and may not be used for any legal purpose. Dodge County assumes no liability for any use or misuse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



 Tax Parcels

 Buchanan Property

 Area to be Rezoned (A-1 to A-2)



0 50 100 200  
Feet

1 inch = 200 feet  
Dodge County Land Resources & Parks



RESOLUTION NO. \_\_\_\_\_

TO THE HONORABLE BOARD OF SUPERVISORS OF DODGE COUNTY, WISCONSIN

WHEREAS, Dodge County, a Body Corporate under the laws of the State of Wisconsin has adopted a comprehensive Zoning Ordinance which is in full force and effect, and

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

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

WHEREAS, a public hearing as to the proposed amendment to the Town Zoning Ordinance of the Town of Portland was held by the Town Planning Commission of the Town of Portland on October 3, 2018, and the proposed amendment to the Zoning Ordinance of the Town of Portland having been adopted by the Town Board of the Town of Portland on October 18, 2018,

THEREFORE BE IT RESOLVED: That the amendment to the Town Zoning Ordinance of the Town of Portland as represented by "Exhibit A" attached to and made a part of this resolution be and hereby is approved, by the Board of Supervisors of Dodge County, Wisconsin.

All of which is respectfully submitted this \_\_\_ day of \_\_\_\_\_, 20 .



JEFF BERRES , Supervisor

Michael Bellomo Property  
 Sullivan Road  
 NE1/4, SW1/4, Section 17, T9N, R13E  
 Town of Portland, Dodge County, Wisconsin



Scale 1"=40'

Cell Bottom Elevations

- C-1 El.=98.0'
- C-2 El.=97.2'
- C-3 El.=98.4'
- C-4 El.=95.6'
- C-5 El.=95.2'
- C-6 El.=94.4'
- C-7 El.=93.6'
- C-8 El.=92.8'
- C-9 El.=92.0'

BM=Nail in Tree,  
 30" Above Grade  
 El.=100.0'

*Michael Bellomo*  
 CST 225391  
 8-16-18

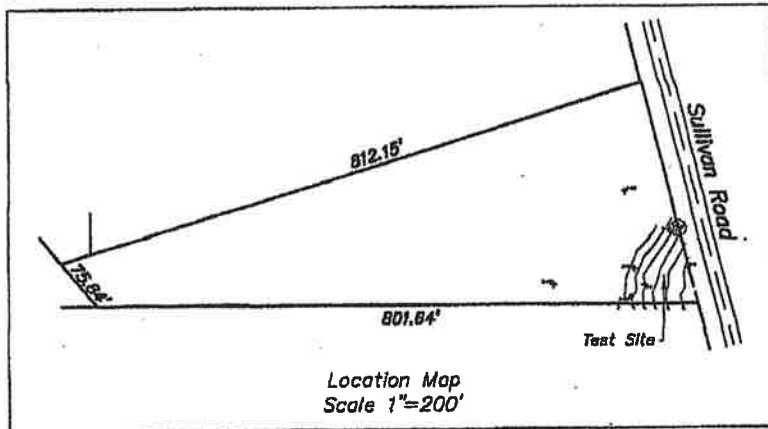
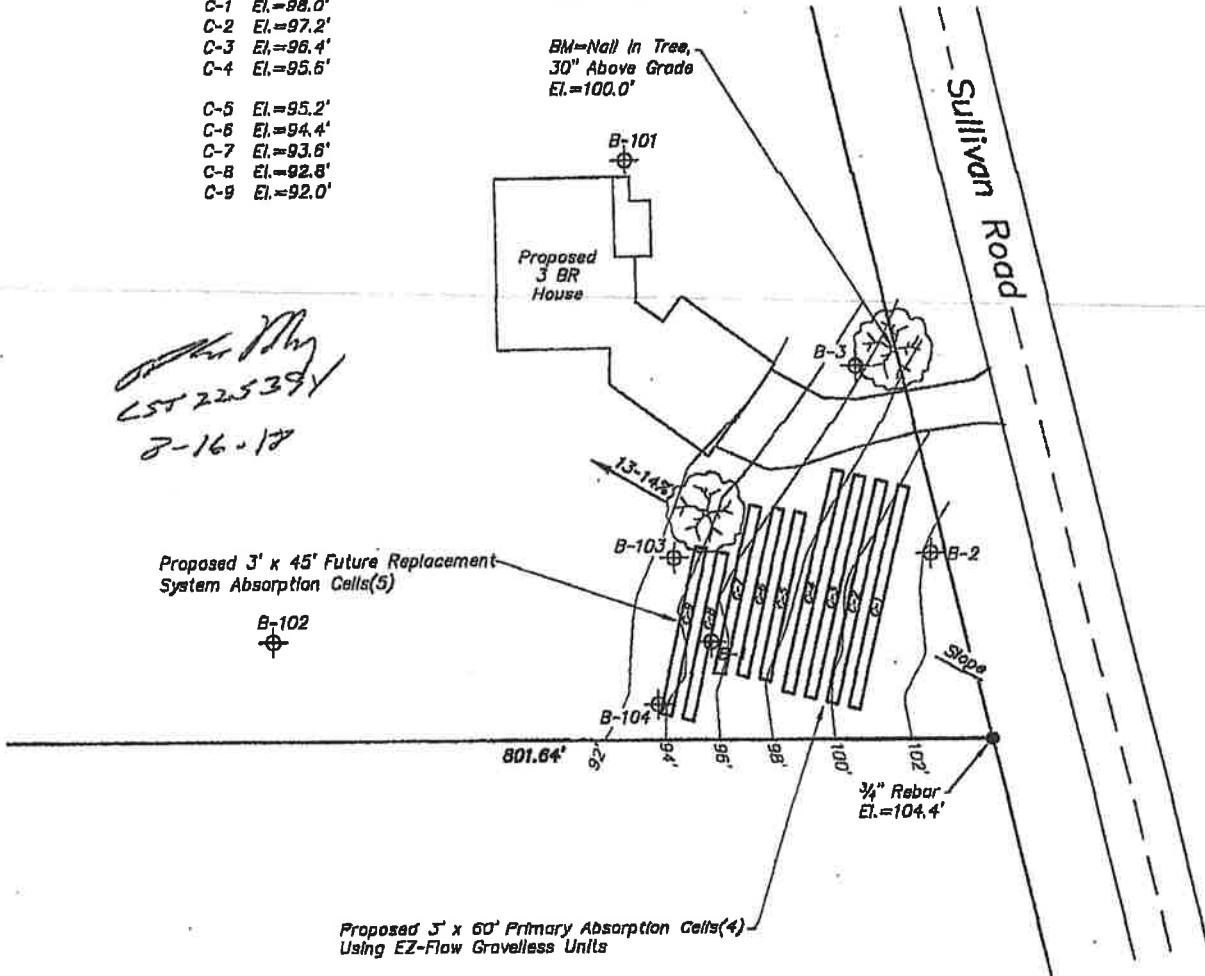


Exhibit A<sub>2</sub>

Exhibit A,  
 Property surrounding rezoned area  
 is agriculture and residence across  
 the road.

**Wedge County, WI**

GIS

Go

YIG from

FEMA 100-Year Floodplain  
 County Zoning  
 Hartford Extraterritorial Jurisdic  
 PLANNED UNIT DEVELOPME  
 A-1 PRIME AGRICULTURAL  
 A-2 GENERAL AGRICULTURA  
 C-1 GENERAL COMMERCIAL  
 C-2 EXTENSIVE COMMERCIA  
 I-1 LIGHT INDUSTRIAL  
 I-2 INDUSTRIAL  
 R-1 SINGLE FAMILY RESIDEN  
 R-2 TWO FAMILY RESIDENTI/  
 R-3 MULTI-FAMILY RESIDENT  
 RIGHT OF WAY  
 CITY OR VILLAGE  
 WATERBODY  
 School Districts  
 Supervisory Districts  
 Voting Wards  
 Wild Goose Trail  
 Imagery and Elevation  
 2017 Ortho Photo  
 2012 Ortho Photo  
 Red: Band\_1  
 Green: Band\_2  
 Blue: Band\_3  
 2006 Ortho Photo  
 Red: Band\_1  
 Green: Band\_2  
 Blue: Band\_3  
 1999 Ortho Photo  
 High - 223  
 Property Search  
 Advanced Print

Measure Area  
**Totals**  
 Acres: 1.50  
 Hectares: 0.61  
 Square Meters: 6,070.45  
 Square Feet: 65,341.80  
 Square Miles: 0.00

203.63  
 324.7  
 255.2  
 253.03  
 PORTLAND  
 1724.001  
 100 ft  
 20 m



# Dodge County Quick Mapper

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Dodge County Land Resources & Parks

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	<b>Shoreland Zoning</b>	General Agricultural
Sewer Service Areas	<b>Non-Metallic Mining</b>	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: 11/5/2018



**DODGE COUNTY LAND RESOURCES AND PARKS COMMITTEE  
MINUTES  
November 5, 2018**

The Dodge County Land Resources and Parks Committee met on November 5, 2018 at 7:00 p.m. on the 1<sup>st</sup> Floor of the Administration Building, Juneau, Wisconsin.

Chairman Schaefer called the meeting to order. Roll Call was taken. Members present were Joseph Marsik, William Muche, Tom Schaefer, Jeffrey Schmitt and Larry Schraufnagel. The staff present were Bill Ehlenbeck, Nate Olson and Joseph Giebel.

Other County Board members in attendance: **None**

**The hearing procedures were read into the record.**

**PUBLIC HEARING**

Requests for amendments to the *Dodge County Comprehensive Plan*. The *Dodge County Comprehensive Plan* is a policy document that is used by the County Board of Supervisors and the County Land Resources and Parks Committee as a guide for making decisions regarding land use and development in the County. The plan contains background information and goals, objectives, policies and recommendations addressing each of the nine (9) plan elements required by Wisconsin's Comprehensive Planning legislation. An amendment is being proposed to the Future Land Use Map, Dodge County, Wisconsin, Map 8-2 of the *Dodge County Comprehensive Plan*. The map amendment is listed below and will be available for review at the Land Resources and Parks Department on the third floor of the County Administration Building in Juneau. Residents are encouraged to review the plan amendment and submit oral and/or written comments prior to the public hearing.

1. **Town of Lomira** – Section 29 (Parcels # 030-1317-2923-000; 2923-001; 2923-004; 2923-005; 2923-006; 2923-007)
  - From: Single Family Residential
  - To: Agriculture
2. **Town of Lomira** – Section 13 (Parcels # 030-1317-1334-000; 1331-002)
  - From: General Residential and Single Family Residential
  - To: Agriculture
3. **Town of Trenton** – Sections 9, 10, 15 and 16 (Parcel # 044-1214-0914-001; 0941-000; 0944-000; 0944-001; 1023-001; 1032-000; 1033-000; 1034-001; 1611-000 and 1614-000)
  - From: Agriculture
  - To: Industrial
4. **Town of Trenton** – Sections 9, 10, 15 and 16 (Parcel # 044-1214-1533-000; 1533-003; and 1641-000)
  - From: Single Family Residential
  - To: Industrial

An amendment is also being proposed to the *Dodge County Farmland Preservation Plan Map*, which is in Appendix B of the *Dodge County Comprehensive Plan*. The map amendment is listed below and will be available for review at the Land Resources and Parks Department on the third floor of the County Administration Building in Juneau and on the Department website at [www.co.dodge.wi.us/landresources](http://www.co.dodge.wi.us/landresources). Residents are encouraged to review the plan amendments and submit oral and/or written comments prior to the public hearing.

**Farmland Preservation Plan Map Amendments**

1. **Town of Lomira** – Section 29 (Parcel # 030-1317-2923-004; 2923-004; 2923-005; 2923-006; and 2923- 007)
  - From: Areas of Nonagricultural Development
  - To: Areas of Agricultural use and Agricultural-related Use
2. **Town of Lomira** – Section 13 (Parcel # 030-1317-1334-000; 1331-002)
  - From: Areas of Nonagricultural Development
  - To: Areas of Agricultural use and Agricultural-related Use
3. **Town of Trenton** – Sections 9, 10, 15 and 16 (Parcel # 044-1214-0914-001; 0941-000; 0944-000; 0944-001; 1023-001; 1032-000; 1033-000; 1034-001; 1533-000; 1533-003; 1614-000 and 1641-000)
  - From: Areas of Agricultural use and Agricultural-related Use
  - To: Areas of Nonagricultural Development

Motion by Jeffrey Schmitt to submit a favorable recommendation to the County Board of Supervisors on the petitions to amend the Future Land Use Map, Dodge County, Wisconsin, Map 8-2 of the *Dodge County Comprehensive Plan and to amend the Dodge County Farmland Preservation Plan Map*, which is in Appendix B of the *Dodge County Comprehensive Plan as proposed*.

Second by Larry Schraufnagel      Vote 5-0      Motion carried.

**PUBLIC HEARING**

**Dale Christian, agent for Christian Hill Holdings LLC** – Petition to rezone approximately 99-acres of land from the R-1 Single Family Residential, R-3 Multifamily Residential and the Agricultural Zoning District to the A-1 Prime Agricultural Zoning District under the Land Use Code, Dodge County, Wisconsin to qualify these lands for participation in the Farmland Preservation Program. The property is located in part of the SE ¼ of the SW ¼ and part of the NE ¼ of the SW ¼, Section 13, Town of Lomira.

Motion by Joseph Marsik to submit a favorable recommendation to the County Board of Supervisors on the petition to rezone approximately 99-acres of land from the R-1 Single Family Residential, R-3 Multifamily Residential and the Agricultural Zoning District to the A-1 Prime Agricultural Zoning District under the Land Use Code, Dodge County, Wisconsin to qualify these lands for participation in the Farmland Preservation Program.

Second by William Muche      Vote 5-0      Motion carried.

**PUBLIC HEARING**

**Jacob Land Surveying, LLC, agent for Ronald and Donna Luedtke** – Petition to rezone approximately 5.92-acres of land from the A-2 General Agricultural zoning district to the C-2 Extensive Commercial zoning district to allow for the expansion of a marina on this site along with a request for a Conditional Use Permit under the Land Use Code, Dodge County, Wisconsin to allow a single family residential use within the C-2 Extensive Commercial zoning district. The site is located in part of the NE ¼ of the SW ¼, Section 11, Town of Lomira, the site address being N11499 Columbia Drive.

Rezoning Request:

Motion by William Muche to submit a favorable recommendation to the County Board of Supervisors on the petition to rezone approximately 5.92-acres of land from the A-2 General Agricultural zoning district to the C-2 Extensive Commercial zoning district to allow for the expansion of a marina on this site.

Second by Larry Schraufnagel      Vote 5-0      Motion carried.

Conditional Use Permit Request:

Motion by William Muche to approve the conditional use permit request to allow a single family residential use within the C-2 Extensive Commercial zoning district as proposed.

Second by Joseph Marsik      Vote 5-0      Motion carried.

**PUBLIC HEARING**

**Devin and Meghan Justman, agent for Darlene Sterr** – Petition to rezone approximately 20.7-acres of land from the A-1 Prime Agricultural Zoning District to the A-2 General Agricultural Zoning District under the Land Use Code, Dodge County, Wisconsin to allow for the creation of a non-farm residential lot at this location. The property is located in part of the SW ¼ of the NE ¼, Section 28, Town of Leroy.

Motion by Larry Schraufnagel to submit a favorable recommendation to the Dodge County Board of Supervisors on the petition to rezone approximately 20.7-acres of land from the A-1 Prime Agricultural Zoning District to the A-2 General Agricultural Zoning District under the Land Use Code, Dodge County, Wisconsin to allow for the creation of a non-farm residential lot at this location.

Second by William Muche      Vote 5-0      Motion carried.

**PUBLIC HEARING**

**Mark Lauersdorf** – Request for a Conditional Use Permit under the Shoreland Protection Ordinance, Dodge County, Wisconsin to allow filling and grading within 300 feet of a navigable waterway associated with the construction of a 50' X 120' shed on this property. The property is located in part of the SE ¼ of the SW ¼, Section 2, Town of Lebanon, the site address being W3563 Davidson Road.

Motion by Joseph Marsik to approve the conditional use permit request to allow filling and grading within 300 feet of a navigable waterway associated with the construction of a 50' X 120' shed on this property subject to the following conditions:

1. It shall be the responsibility of the applicant to obtain all other permits or approvals that may be required (e.g., Wisconsin Department of Natural Resources and/or U.S. Army Corps of Engineers) for the proposed project.
2. Documentation shall be submitted to the Department for review and approval prior to the issuance of the Conditional Use Permit to show that the proposed construction site and the shed are located outside of the floodplain district.
3. The proposed shed shall be constructed and located in compliance with the applicable floodplain regulations.
4. The proposed project shall not obstruct flow and shall not increase the regional flood height.



5. All disturbed areas shall be leveled and graded (as needed) and seeded to permanent vegetation as soon as possible to prevent erosion of silt/sediment into the river.
6. 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 project in accordance with Best Management Practices.
7. All work shall be done in accord with the plans and specifications submitted on October 8, 2018.
8. The applicant shall obtain a County Land Use Permit for the construction of the shed.
9. The decision of the Committee is valid for one year.

Second by Jeffrey Schmitt    Vote 5-0        Motion carried.

**ADMINISTRATIVE BUSINESS**

1. The minutes from the October 15, 2018 meeting were reviewed by the Committee.

Motion by William Muche to approve the minutes as written.

Second by Larry Schraufnagel    Vote: 5-0        Motion carried.

2. No Committee Member Reports
3. No Additional Per Diems.

Motion by order of the Chairman to adjourn the meeting.

Respectfully Submitted,

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**Joseph Marsik**, Secretary

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