
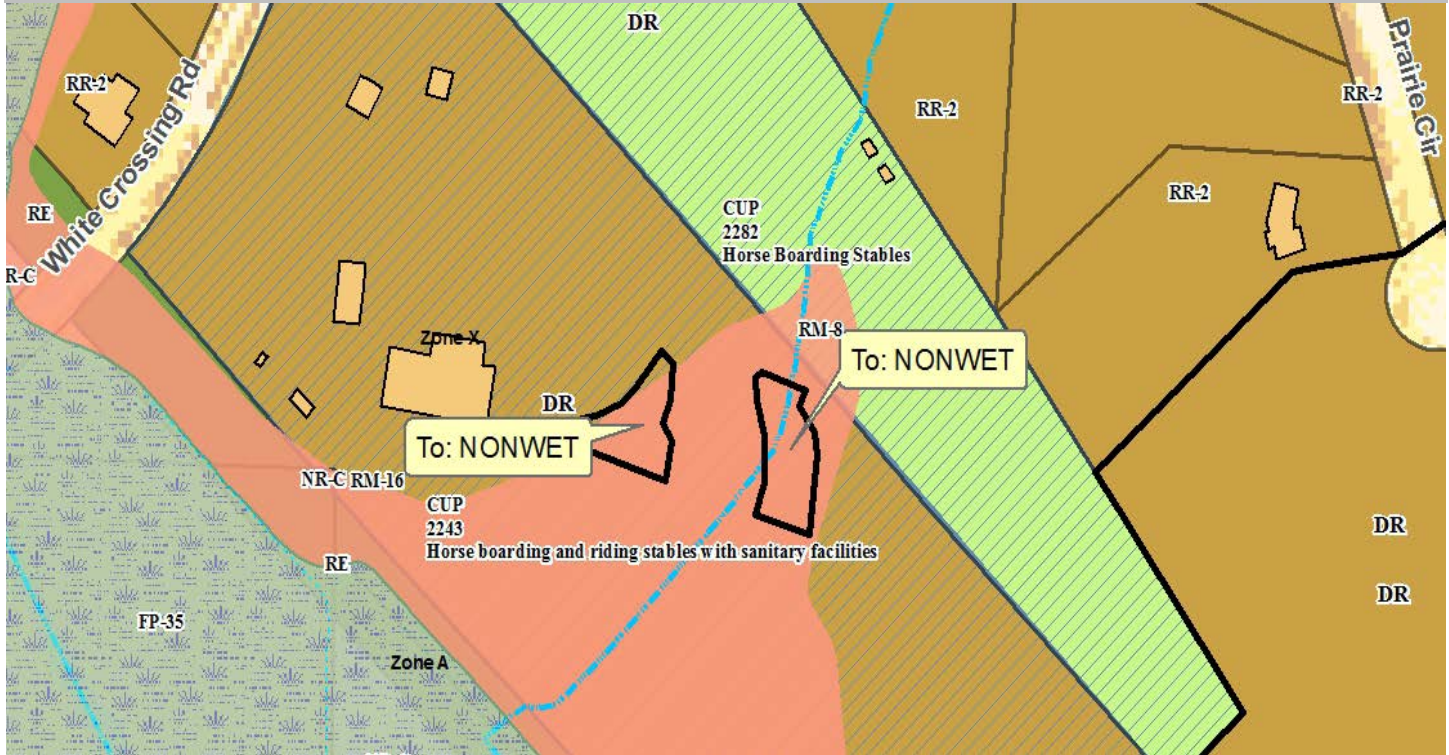


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| <p>Staff Report</p>  <p>Questions? Contact Brian Standing, standing@countyofdane.com</p> | <p>Public Hearing: September 22, 2020</p> | <p>Petition 11580</p> |
| | <p><u>Zoning Amendment Requested:</u> Amend Chapter 11 Dane County Wetland Inventory Maps</p> | <p><u>Town/Section:</u> VERONA, Section 7</p> |
| | <p><u>Size:</u> 0.5 Acres <u>Survey Required:</u> No</p> | <p><u>Applicant</u> UNBRIDLED SPIRITS LLC</p> |
| | <p><u>Reason for the request:</u> Reclassify two small wetlands areas to non-wetland status in order to construct a residential driveway</p> | <p><u>Address:</u> 2782 WHITE CROSSING ROAD</p> |



DESCRIPTION: Landowners seeks to rezone approximately 1/2 of an acre out of the Inland Wetland District to allow for fill associated with the conversion of an existing agricultural field road to a gravel residential driveway.

OBSERVATIONS: A wetland delineation report, completed on October 17th 2019, confirmed the existence of a wetland on the site. A copy of the wetland delineation report and the WI DNR concurrence letter are included in the packet. Wisconsin DNR has approved the proposed fill under the Statewide General permit for residential development.

TOWN PLAN: The property is within an Agricultural Transition Area in the adopted town/county plan. The town plan also includes language that mirrors County wetland zoning procedures regarding existing wetlands.

RESOURCE PROTECTION: An intermittent waterway crosses the property from north to south. The Dane County Zoning Division has determined that the waterway is not navigable under state law, and so is not subject to the county's shoreland zoning ordinance. Floodplain, stormwater and erosion control standards, however, continue to apply.

STAFF:

Proposed findings of fact (relevant Chapter 11 standards in italics.)

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

- (a) Storm and flood water storage capacity;

No significant impact anticipated. If construction complies with Dane County stormwater standards, and the applicant obtains a floodplain zoning permit for fill within a floodplain, these measures should be adequate to maintain storm and flood water storage capacity.

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

No significant impact anticipated. Applicant is proposing a culvert to maintain surface water flow into the non-navigable waterway. The small extent and relatively shallow depth of proposed fill should limit any groundwater impacts.

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

No significant impact anticipated. At the locations where fill is proposed, the landscape is very flat, with slopes between 1% and 2%, based on county 2-foot contour intervals. Stormwater practices should be sufficient to keep agricultural or vehicular runoff on site, under normal circumstances.

(d) Shoreline protection against soil erosion;

No significant impact anticipated. The nearest navigable shoreline lies approximately 450 feet to the south of this property. With shallow slopes and effective construction site erosion control and stormwater measures, soil erosion from this project should be minimal. Agricultural practices on the site are regulated by NR 151, Wisconsin administrative code, which should also help minimize soil erosion.

(e) Fish spawning, breeding, nursery or feeding grounds;

(f) Wildlife habitat; or

(g) Areas of special recreational, scenic or scientific interest, including scarce wetland types.

No significant impact anticipated on these three functional values. The fill site appears to be shallow enough and far enough removed from navigable waterways to have minimal impact on fish populations. Based on the wetland delineation report and the WI DNR concurrence letter, the wetland on the site appears to be a heavily-degraded wet marsh, a common wetland type in Dane County. Delineated wetland areas are dominated by Reed Canary Grass and other common, invasive species that provide minimal habitat value, with low biodiversity.

Recommended Conditions of Approval:

If the ZLR makes the above findings of fact, staff recommends approval with the following conditions:

1. Prior to the start of any land disturbance on the site, the landowner shall obtain the following, including compliance with any permit conditions:
 - a. Shoreland Erosion Control Permits under Chapter 11, Dane County Code;
 - b. Floodplain Zoning Permits under Chapter 17, Dane County Code;
 - c. DNR Wetland Fill General Permit GP-SC-2020-13-00340, issued March 11, 2020;
 - d. A Preliminary Review Letter from the Dane County Land and Water Resources Department, Water Resources Engineering Division, under s. 14.48, Dane County Code. If the Director of the Dane County Land and Water Resources Department, or designee, determines additional controls are necessary, applicant shall obtain a stormwater control permit under s. 14.46, Dane County Code.
 - e. Any other permits required under federal or state law.

TOWN: The Town Board approved the petition with no conditions.