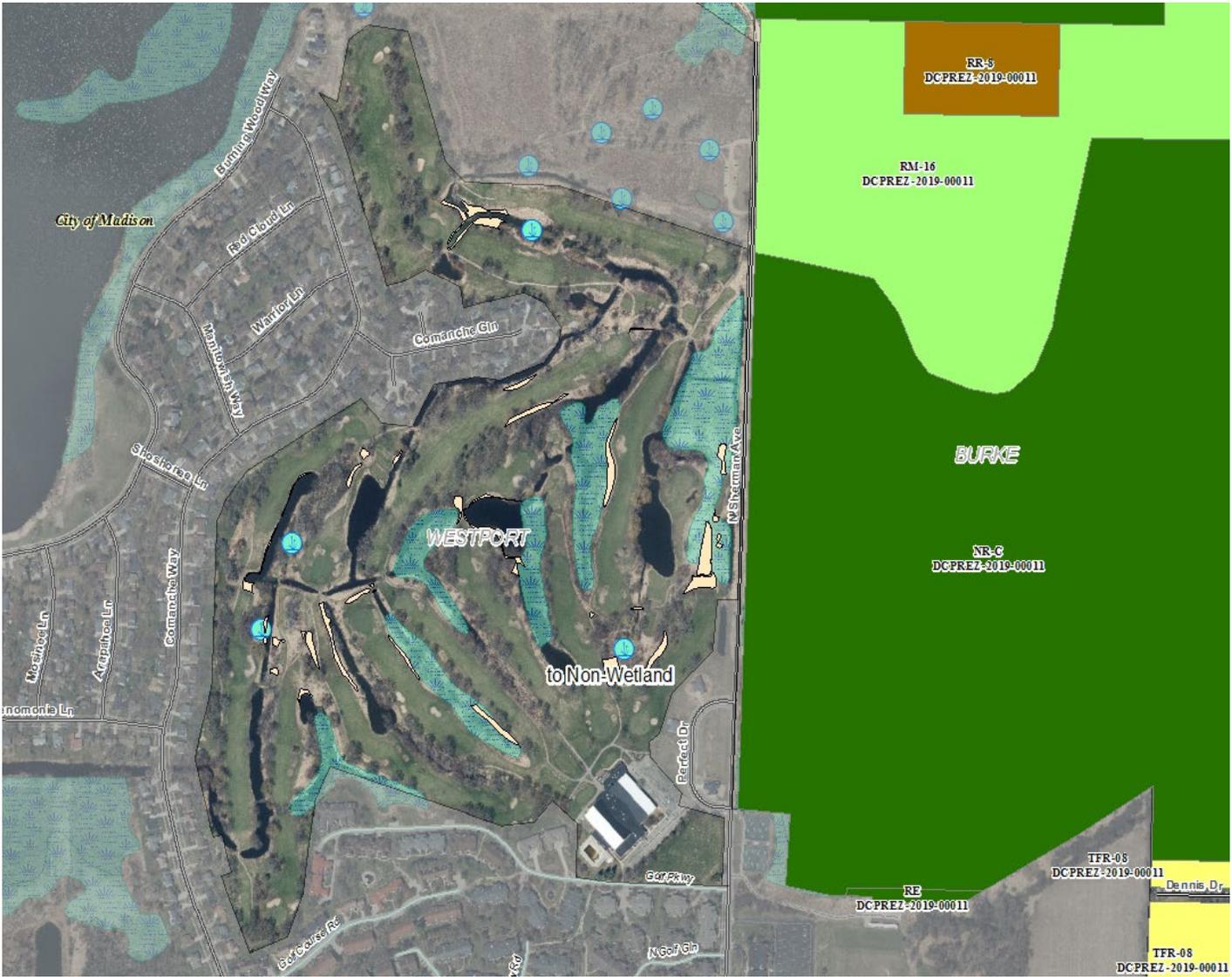


<p><b>Staff Report</b> <b>REVISED 12/23/21</b></p>  <p><b>Zoning and Land Regulation Committee</b></p>	<p>Public Hearing: <b>May 25, 2021</b></p> <p><u>Zoning Amendment Requested:</u> <b>FROM WETLAND TO NON-WETLAND</b></p>		<p><b>Petition 11696</b></p> <p><u>Town/Section:</u> <b>WESTPORT, Section 24</b></p>
	<p><u>Size:</u> <b>3.07 Acres</b></p>	<p><u>Survey Required:</u> <b>No</b></p>	<p><u>Applicant:</u> <b>CHEROKEE PARK INC</b></p>
	<p><u>Reason for the request:</u> <b>Golf course renovation - declassifying wetland status</b></p>		<p><u>Address:</u> <b>5000 N SHERMAN AVENUE</b></p>



**DESCRIPTION:** Cherokee County Club in the Town of Westport is proposing a renovation of its 60-year old golf course. Portions of the project would involve excavation and/or filling of approximately 3.07 acres classified as wetland on the Wisconsin Wetland Inventory and under the Dane County Shoreland/Wetland Zoning Ordinance.

**OBSERVATIONS:** Even though the Town of Westport has opted out of Dane County general zoning (Chapter 10), Dane County Shoreland and Wetland Zoning (Chapter 11) continue to apply. Town action is not required.

**RESOURCE PROTECTION:** Large portions of the golf course site are shown as wetland in the Wisconsin Wetland Inventory, as floodplain in adopted floodplain zoning maps, or both. Certified wetland delineations submitted by the applicant confirm that the proposed rezone areas are the only wetland areas that would be directly impacted by excavation or filling on the site.

**STAFF UPDATE:** Total area of lands to be rezoned to Non-Wetland has been reduced from 5.48 acres in the original application to 3.07 acres. The Wisconsin Department of Natural Resources issued a final decision on the associated wetland fill permits on December 23, 2021. Portions of the site fall under the jurisdiction of the U.S. Army Corps of Engineers, which has also issued a permit. See Page 3 for recommended amendments, conditions and findings of fact.

*Questions? Contact Brian Standing [standing@countyofdane.com](mailto:standing@countyofdane.com)*

## PETITION 11696 Recommendations

Amendments. The mapped boundaries and legal descriptions for Petition 11696 for areas to be rezoned out of the Shoreland Wetland Zoning District are amended to reflect areas shown as “Wetland Cut” or “Wetland Fill” in Sheet C 211 of the Overall Wetland Impacts map submitted by Snyder and Associates, Inc. and dated 10/5/2021 (see also revised zoning map at top of this report).

### Findings of Fact.

The Dane County Board of Supervisors finds that rezone petition 11696, as amended and with recommended conditions, meets the standards of s. 11.10, Dane County Code, and will have no significant impact on any of the following:

- a. *Stormwater and flood water storage capacity:* The project will be subject to stormwater permitting under Chapter 14, Dane County Code. The Dane County Land and Water Resources Department has indicated that the proposed project, including wetland fill, can be reasonably designed to meet Dane County stormwater standards. Any fill occurring within regulated General Floodplain Zoning Districts or Flood Storage Districts will meet standards of Chapter 17, Dane County Code to minimize any increase of floodwater elevations.
- 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.* Wisconsin DNR analysis indicates that the existing wetlands have medium functional values related to groundwater processes. The relatively small groundwater impacts from the small areas of fill will be offset by mitigation efforts elsewhere on the site.
- c. *Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters:* The original golf course was developed in the 1960’s, before modern runoff control regulations came into effect. The overall site design and mitigation, including the installation and maintenance of vegetative buffers and other practices to meet stormwater sediment standards should improve water quality protections compared with current conditions. In addition, as a condition of DNR permits, the site must abide by pesticide limits and nutrient management plans designed to limit pollution of downstream surface water.
- d. *Shoreline protection against soil erosion:* Land-disturbing activity will be subject to erosion control permits under Chapters 11 and 14, Dane County Code. All sites will be stabilized with permanent ground cover once construction is complete.
- e. *Fish spawning, breeding, nursery or feeding grounds:* Shallow water depth and existing perched culverts limit accessibility of most of the wetland areas to local fish species. Proposed wetland restorations and enhancements elsewhere on the site will likely provide higher quality fish habitat that will compensate for any loss of habitat due to fill.
- f. *Wildlife habitat:* All wetland fill or cut areas are dominated by non-native and/or common, invasive species of vegetation. Existing wetland areas are relatively small, isolated from other upland or aquatic habitat types, and surrounded by manicured turf grass associated with the golf course. Existing habitat values are likely to be minimal. As part of the WI DNR permit, the applicant will be completing habitat and wetland enhancement and mitigation activities that will likely result in an overall net improvement of wildlife habitat functional value, compared with current conditions.
- g. *Areas of special recreational, scenic or scientific interest, including scarce wetland types.* According to the approved Wetland Delineation Report, all wetland rezone areas are of common shallow marsh or wet meadow wetland types, dominated by non-native vegetative species.

### Conditions of approval.

1. Prior to any land-disturbing activity, the landowner obtains erosion control, shoreland erosion control and/or stormwater management permits, that meet all applicable requirements of Chapters 11 and 14, Dane County Code.
2. Prior to any fill or dredging within the General Floodplain District or the Flood Storage District, the landowner obtains floodplain zoning permits under Chapter 17, Dane County Code.
3. All land-disturbing activities, fill, dredging or other development must comply with any wetland fill, discharge, erosion control and/or stormwater permits, including all conditions and mitigation, as required by the Wisconsin DNR or the U.S. Army Corps of Engineers.