



Staff Report

Zoning and Land Regulation Committee

Public Hearing: **March 27, 2018**

Zoning Amendment:
**Reclassifying area from wetland
to non-wetland status**

Acres: 0.06
Survey Req. No

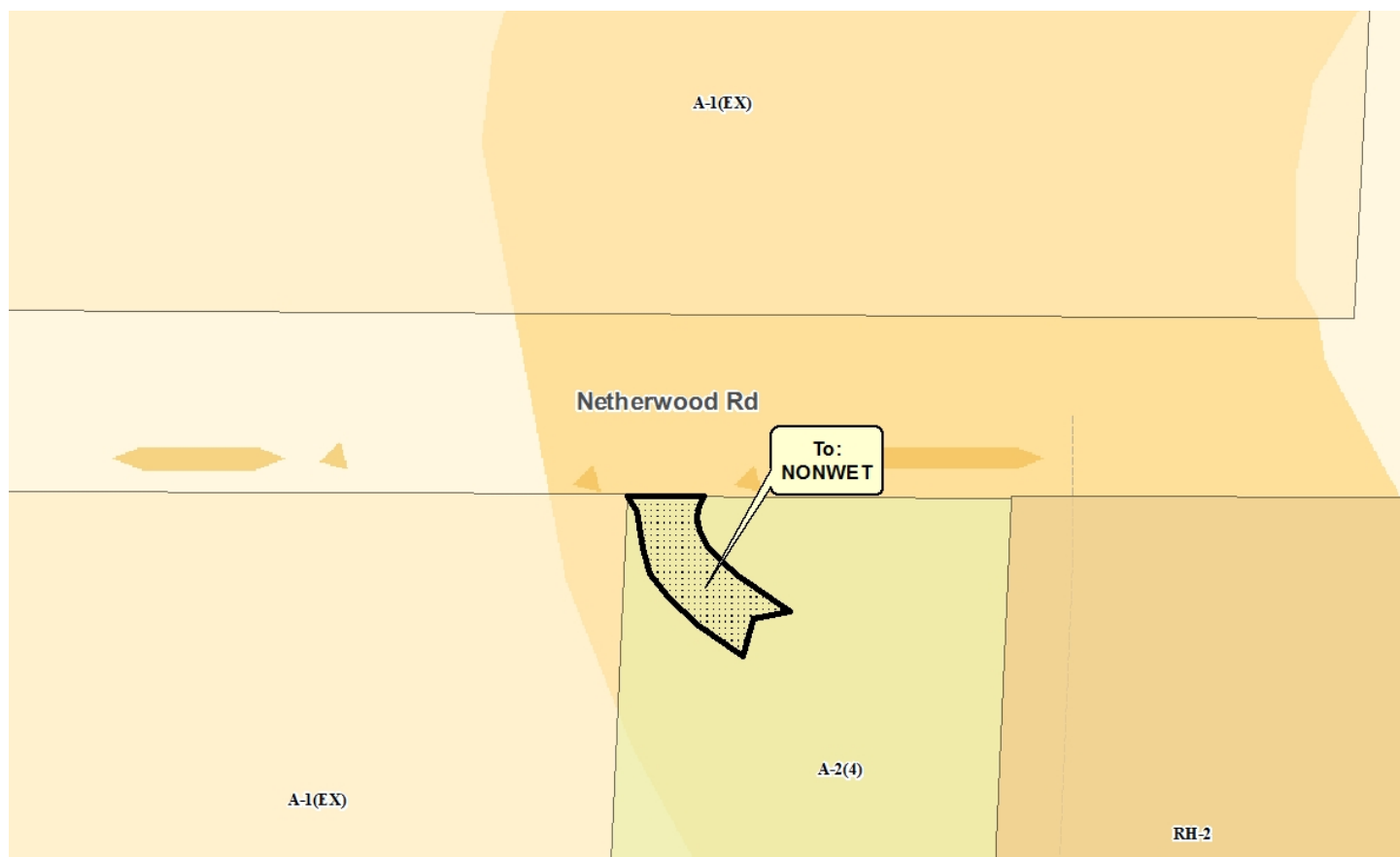
Reason:
**Installation of a driveway to
provide access to homesite**

Petition: **Petition 11267**

Town/sect:
OREGON, Section 4

Applicant
SCOTT A KALSCHEUR

Location:
**WEST OF 5553
NETHERWOOD RD**



DESCRIPTION: Landowner wishes to rezone 2,210 square feet of drained, cropped wetland, out of the county inland-wetland zoning district to allow for the construction of a driveway to serve an existing A-2(4) lot.

OBSERVATIONS: In discussions with the landowner, zoning staff suggested a shared driveway as a means of avoiding the wetland fill. However, this alternative appears to be unworkable due to town driveway regulations that discourage shared drives. The landowner has obtained certification from the U.S. Army Corps of Engineers that the project qualifies under the COE general permit for residential construction. In addition, the Wisconsin Department of Natural Resources has issued a wetland fill permit for the site.

RESOURCE PROTECTION: Field wetland delineation information submitted by the landowner's consultant confirms an isolated wetland on the premises totaling approximately 0.77 acres in size (on the site). Although surrounded by hydric soils, any other connected wetlands appear to have been drained and cropped over the years. Section 11.10, Dane County Code requires that the county board make a finding of no significant impact to any of seven specified wetland functional values before approving a rezone out of the inland-wetland zoning district.

STAFF: See second page for analysis of impact on 7 functional values and recommended conditions of approval.

TOWN: Town action is not required for rezones out of the Inland-Wetland district under Chapter 11, Dane County Code.

Analysis of wetland functional values [s.11.10(2), Dane County Code]

(a) Storm and flood water storage capacity.

Based on a 2/21/2018 review by Dane County Land and Water Resource Department (LWRD) Water Resource Engineering staff, the proposed fill volume would not be significant with respect to the overall storage volume of the depression. As a result, the proposed fill should not significantly affect 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.

The LWRD review also reports that although proposed development may increase runoff volumes to the wetland somewhat, the proposed wetland fill would not impact stream or groundwater flows to a significant degree.

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

As it sits on the site, the wetland has already suffered significant degradation due to past tiling and cropping. Based on the LWRD review, no significant impact is expected to the wetland's ability to perform these functions, to the extent that it performs them now.

(d) Shoreline protection against soil erosion.

Any development on the site, including wetland fill and driveway construction should be subject to the shoreland erosion control standards of s. 11.05, Dane County Code. This should be sufficient to address any soil erosion concerns.

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

The wetland is a small, isolated, inland-wetland, surrounded on all sides by cropped agricultural fields, road right-of-way and rural residential development. It has no apparent direct connection to navigable waterways. Based on the wetland delineation report, little standing water persists within the wetland boundaries, either permanently or seasonally. Given these conditions, it appears unlikely that the site is a significant area for fish spawning.

(f) Wildlife habitat.

According to the wetland delineation report, vegetation on the site is dominated by reed canary grass (*Phalaris arundinacea*), straw-color flat sedge (*Cyperus strigosus*), and large barnyard grass (*Echinochloa crus-galli*), with incursions of upland species such as creeping wild rye (*Elymus repens*). All are common species indicative of heavily disturbed areas, and have generally low wildlife habitat value.

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

The wetland is a small fresh, wet meadow, a very common wetland type, that is currently in significantly degraded condition and surrounded by rural residential or agricultural land. It would not appear to have significant recreational, aesthetic or scientific value.

Recommendations and conditions of approval.

Staff recommends that the county board make a finding of no significant impact on the functional values under s. 11.05(2), Dane County Code and include the following condition on the rezone approval:

1. Landowner will obtain a shoreland erosion control permit under Chapter 11, Dane County Code prior to the start of any land disturbing activity. All construction must comply with the provisions of the approved shoreland erosion control plan for the property.