

# Dane County Rezone Petition

<b>Application Date</b>	<b>Petition Number</b>
12/19/2024	DCPREZ-2024-12139
<b>Public Hearing Date</b>	
02/25/2025	

OWNER INFORMATION		AGENT INFORMATION	
OWNER NAME RDC WESTPORT FARMS LLC	PHONE (with Area Code) (608) 249-2012	AGENT NAME WYSER ENGINEERING	PHONE (with Area Code) (608) 437-1980
BILLING ADDRESS (Number & Street) 4605 DOVETAIL DR		ADDRESS (Number & Street) 300 E FRONT STREET	
(City, State, Zip) MADISON, WI 53704		(City, State, Zip) Mount Horeb, WI 53572	
E-MAIL ADDRESS carl@ruedebusch.com		E-MAIL ADDRESS wade.wyse@wyserengineering.com	

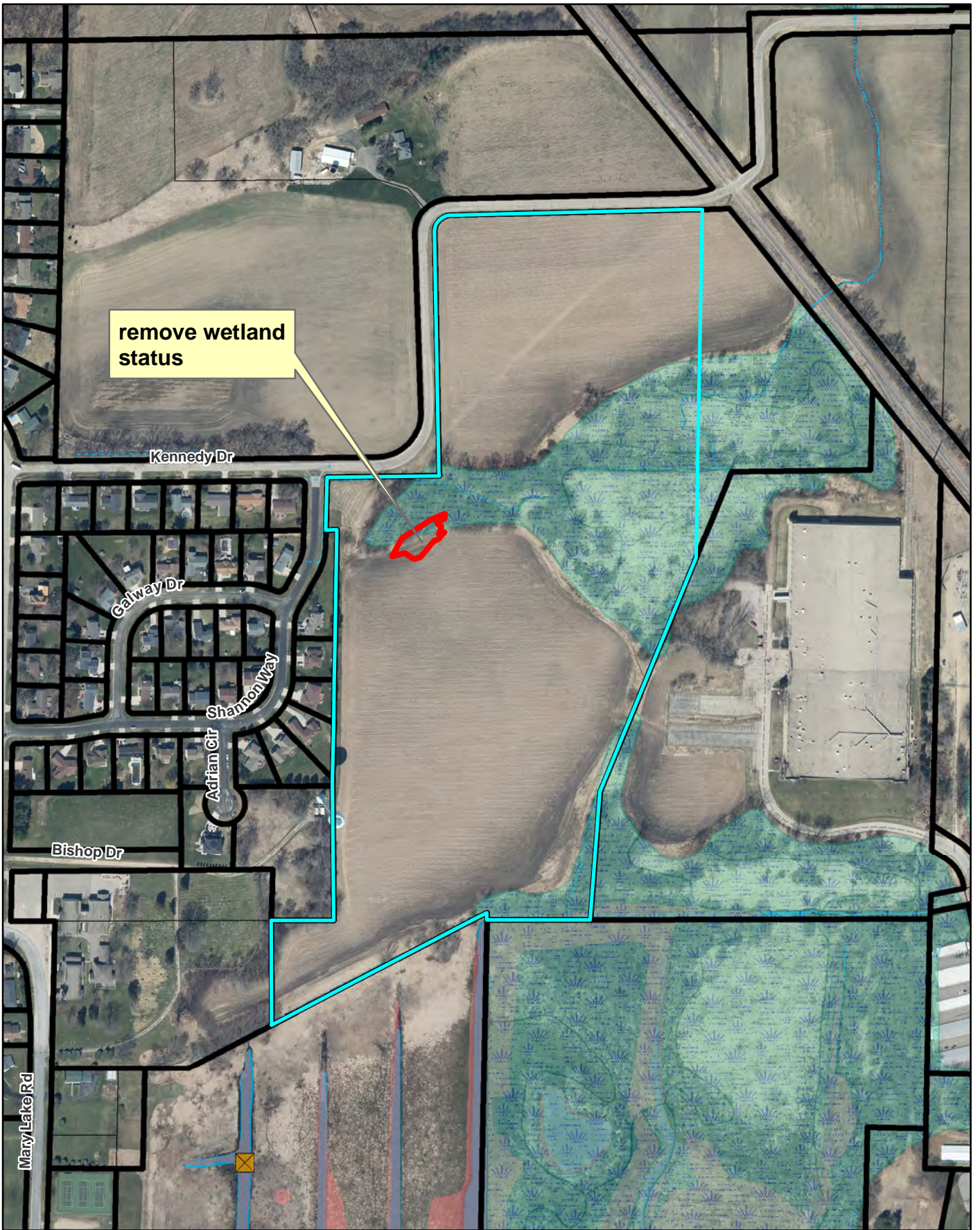
ADDRESS/LOCATION 1		ADDRESS/LOCATION 2		ADDRESS/LOCATION 3	
ADDRESS OR LOCATION OF REZONE		ADDRESS OR LOCATION OF REZONE		ADDRESS OR LOCATION OF REZONE	
East of Kenney Drive and Shannon Way intersection					
TOWNSHIP WESTPORT	SECTION 22	TOWNSHIP	SECTION	TOWNSHIP	SECTION
PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED	
0809-222-9000-0					

## REASON FOR REZONE



REMOVAL OF A WETLAND AREA FROM THE WETLAND INVENTORY MAP IN ORDER TO CONSTRUCT A ROAD

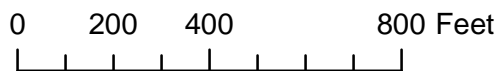
FROM DISTRICT:	TO DISTRICT:	ACRES

<b>C.S.M REQUIRED?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Applicant Initials _____	<b>PLAT REQUIRED?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Applicant Initials _____	<b>DEED RESTRICTION REQUIRED?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Applicant Initials _____	<b>INSPECTOR'S INITIALS</b>  RWL1	<b>SIGNATURE:(Owner or Agent)</b>  _____
				<b>PRINT NAME:</b>  _____
				<b>DATE:</b>  _____



**Legend**

-  Wetland
-  Floodplain



Petition 12139  
 RDC Westport Farms LLC



**Dane County**  
**Department of Planning and Development**  
 Zoning Division  
 Room 116, City-County Building  
 210 Martin Luther King Jr. Blvd.  
 Madison, Wisconsin 53703  
 (608) 266-4266

Application Fees	
General:	\$395
Farmland Preservation:	\$495
Commercial:	\$545
<ul style="list-style-type: none"> <li>• PERMIT FEES DOUBLE FOR VIOLATIONS.</li> <li>• ADDITIONAL FEES MAY APPLY. CONTACT DANE COUNTY ZONING AT 608-266-4266 FOR MORE INFORMATION.</li> </ul>	

## REZONE APPLICATION

### APPLICANT INFORMATION

Property Owner Name:		Agent Name:	
Address (Number & Street):		Address (Number & Street):	
Address (City, State, Zip):		Address (City, State, Zip):	
Email Address:		Email Address:	
Phone#:		Phone#:	

### PROPERTY INFORMATION

Township:		Parcel Number(s):	
Section:		Property Address or Location:	

### REZONE DESCRIPTION

<p><b>Reason for the request.</b> In the space below, please provide a brief but detailed explanation of the rezoning request. Include both current and proposed land uses, number of parcels or lots to be created, and any other relevant information. For more significant development proposals, attach additional pages as needed.</p>	<p><b>Is this application being submitted to correct a violation?</b>          Yes <input type="checkbox"/> No <input type="checkbox"/></p>
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Existing Zoning District(s)	Proposed Zoning District(s)	Acres

**Applications will not be accepted until the applicant has contacted the town and consulted with department staff to determine that all necessary information has been provided. Only complete applications will be accepted. All information from the checklist below must be included. Note that additional application submittal requirements apply for commercial development proposals, or as may be required by the Zoning Administrator.**

<input type="checkbox"/> Scaled drawing of proposed property boundaries	<input type="checkbox"/> Legal description of zoning boundaries	<input type="checkbox"/> Information for commercial development (if applicable)	<input type="checkbox"/> Pre-application consultation with town and department staff	<input type="checkbox"/> Application fee ( <b>non-refundable</b> ), payable to the Dane County Treasurer
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I certify by my signature that all information provided with this application is true and correct to the best of my knowledge and understand that submittal of false or incorrect information may be grounds for denial. Permission is hereby granted for Department staff to access the property if necessary to collect information as part of the review of this application. Any agent signing below verifies that he/she has the consent of the owner to file the application.

Owner/Agent Signature Carl Ruedebusch Date \_\_\_\_\_

## SUPPLEMENTAL INFORMATION FOR COMMERCIAL DEVELOPMENT

A scaled site plan and detailed operations plan must be submitted for commercial rezone applications. Please use the checklist below to ensure you are submitting all required information applicable to your request. Please attach the relevant maps and plans listed below to your application form.

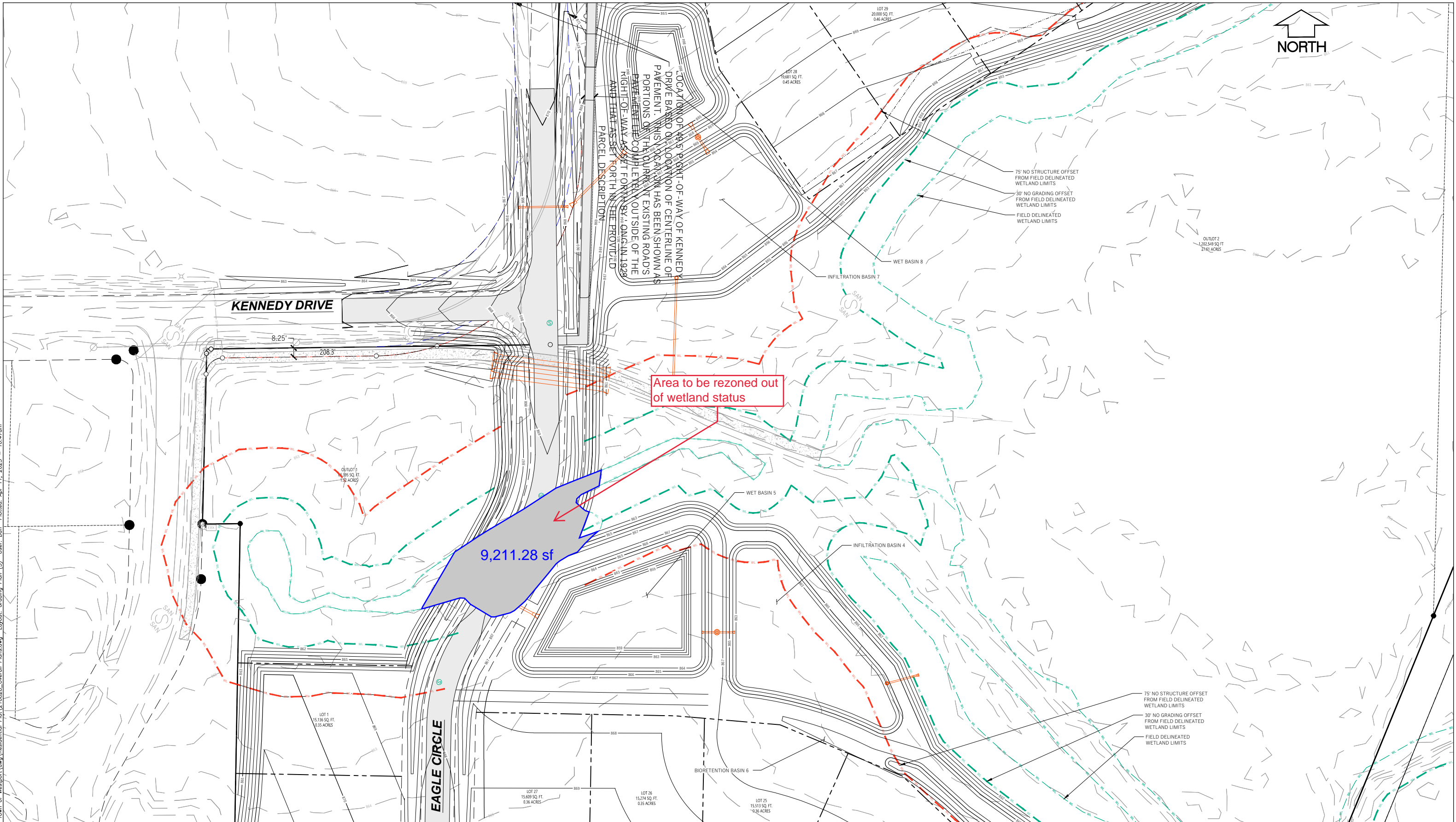
<input type="checkbox"/> <b>SCALED SITE PLAN. Show sufficient detail on 11" x 17" paper. Include the following information, as applicable:</b>
<input type="checkbox"/> Scale and north arrow
<input type="checkbox"/> Date the site plan was created
<input type="checkbox"/> Existing subject property lot lines and dimensions
<input type="checkbox"/> Existing and proposed wastewater treatment systems and wells
<input type="checkbox"/> All buildings and all outdoor use and/or storage areas, existing and proposed, including provisions for water and sewer.
<input type="checkbox"/> All dimension and required setbacks, side yards and rear yards
<input type="checkbox"/> Location and width of all existing and proposed driveway entrances onto public and private roadways, and of all interior roads or driveways.
<input type="checkbox"/> Location and dimensions of any existing utilities, easements or rights-of-way
<input type="checkbox"/> Parking lot layout in compliance with s. <a href="#">10.102(8)</a>
<input type="checkbox"/> Proposed loading/unloading areas
<input type="checkbox"/> Zoning district boundaries in the immediate area. All districts on the property and on all neighboring properties must be clearly labeled.
<input type="checkbox"/> All relevant natural features, including navigable and non-navigable waters, floodplain boundaries, delineated wetland areas, natural drainage patterns, archeological features, and slopes over 12% grade
<input type="checkbox"/> Location and type of proposed screening, landscaping, berms or buffer areas if adjacent to a residential area
<input type="checkbox"/> Any lighting, signs, refuse dumpsters, and possible future expansion areas.

<input type="checkbox"/> <b>NEIGHBORHOOD CHARACTERISTICS. Describe existing land uses on the subject and surrounding properties.</b>
<input type="checkbox"/> Provide a brief written statement explaining the current use(s) of the property on which the rezone is proposed.
<input type="checkbox"/> Provide a brief written statement documenting the current uses of surrounding properties in the neighborhood.

<input type="checkbox"/> <b>OPERATIONAL NARRATIVE. Describe in detail the following characteristics of the operation, as applicable:</b>
<input type="checkbox"/> Hours of operation
<input type="checkbox"/> Number of employees, including both full-time equivalents and maximum number of personnel to be on the premises at any time
<input type="checkbox"/> Anticipated noise, odors, dust, soot, runoff or pollution and measures taken to mitigate impacts to neighboring properties.
<input type="checkbox"/> Descriptions of any materials stored outside and any activities, processing or other operations taking place outside an enclosed building
<input type="checkbox"/> Compliance with county stormwater and erosion control standards under <a href="#">Chapter 11</a> of <a href="#">Chapter 14</a> , Dane County Code
<input type="checkbox"/> Sanitary facilities, including adequate private onsite wastewater treatment systems and any manure storage or management plans approved by the Madison and Dane County Public Health Agency and/or the Dane County Land and Water Resources Department.
<input type="checkbox"/> Facilities for managing and removal of trash, solid waste and recyclable materials.
<input type="checkbox"/> Anticipated daily traffic, types and weights of vehicles, and any provisions, intersection or road improvements or other measures proposed to accommodate increased traffic.
<input type="checkbox"/> A listing of hazardous, toxic or explosive materials stored on site, and any spill containment, safety or pollution prevention measures taken
<input type="checkbox"/> Outdoor lighting and measures taken to mitigate light-pollution impacts to neighboring properties
<input type="checkbox"/> Signage, consistent with section <a href="#">10.800</a>

<input type="checkbox"/> <b>ADDITIONAL PROPERTY OWNERS. Provide contact information for additional property owners, if applicable.</b>	
<b>Additional Property Owner Name(s):</b>	
<b>Address (Number &amp; Street):</b>	
<b>Address (City, State, Zip):</b>	
<b>Email Address:</b>	
<b>Phone Number:</b>	

File: W:\2021\210828\_Riverbush\Town of Westport\dwg\Residential\Plan\210828\_Overall\_Plans.dwg Layout: Grading Plan (3) User: Dan Plotfield, Apr 11, 2023 - 10:47am



**YAHARA ESTATES**

TOWN OF WESTPORT, DANE COUNTY, WI

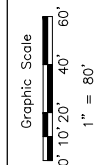


Sheet Title:  
 GRADING PLAN - NORTH CENTRAL

KENNEDY DRIVE  
 WESTPORT, WI 53597



Toll Free (800) 242-8511 or 811  
 Hearing Impaired TDD (800) 542-2289  
 www.DiggersHotline.com



No.	Date	Description

Wyser Number	21-0828
Set Type	PRELIMINARY PLAT
Date Issued	04/11/2023
Sheet Number	C202

**State of Wisconsin**  
**DEPARTMENT OF NATURAL RESOURCES**  
3911 Fish Hatchery Rd.  
Fitchburg, WI, 53711

**Tony Evers, Governor**  
**Adam N. Payne, Secretary**  
Telephone 608-266-2621  
Toll Free 1-888-936-7463  
TTY Access via relay - 711



06/29/2023

Carl Ruedebusch  
4605 Dovetail Drive  
Madison, WI 53704

EXE-SC-2023-13-01713

RE: Nonfederal Wetland Exemption Determination for an area described as Wetland 1 located at SW NW T8N R9E S22 in the Town of WESTPORT, Dane County.

Dear Mr. Ruedebusch:

This letter is in response to your request for a nonfederal wetland exemption determination for the above-mentioned wetlands.

According to 281.36 (4n), State Stat., a nonfederal wetland is a wetland that is not federally jurisdictional. Projects impacting nonfederal wetlands in urban areas must be less than 1 acre of total impact (s. 281.36(4n), Wis. Stat.). In addition, DNR must also consider whether the nonfederal wetland is a rare and high quality wetland as defined in s 281.36(4n)(a)3, Wis. Stat.

The Department reviewed the following materials to aid in our exemption determination:

- The request narrative including project scope and purpose
- Site location map and photographs that show different angles and views of the wetland
- Botanical survey results
- Wetland delineation information

Below is a summary of our findings:

#### **Request Narrative**

According to the request narrative the total wetland impacts will be 9,211 S.F. or .21 acres. The purpose of this project is to construct a road for access to a buildable site for residential housing.

#### **Site Location and Photographs**

The site location confirms that the wetland is located in an urban area. Wetland photographs also show the quality of the wetland vegetation.

#### **Botanical Survey**

The botanical survey demonstrates that the wetland isn't a rare and high-quality wetland.

#### **Wetland Delineation Information**

The wetland delineation shows the location of wetland boundaries. These boundaries correlate to the project limits and proposed fill areas.

#### **Stormwater Compliance Information**

The documentation demonstrated that the project will be completed in compliance with applicable WPDES stormwater permits and stormwater ordinances adopted under s. 59.693, 60.627, 61.354, or 62.234, Wis. Stats.

Based upon the documentation provided above, the project meets the eligibility criteria pursuant to s. 281.36 (4n), State Stat. If you have any questions or would like to schedule a meeting to discuss this approval, please call me at (608) 228-4067 or email [Allen.Ramminger@wisconsin.gov](mailto:Allen.Ramminger@wisconsin.gov)

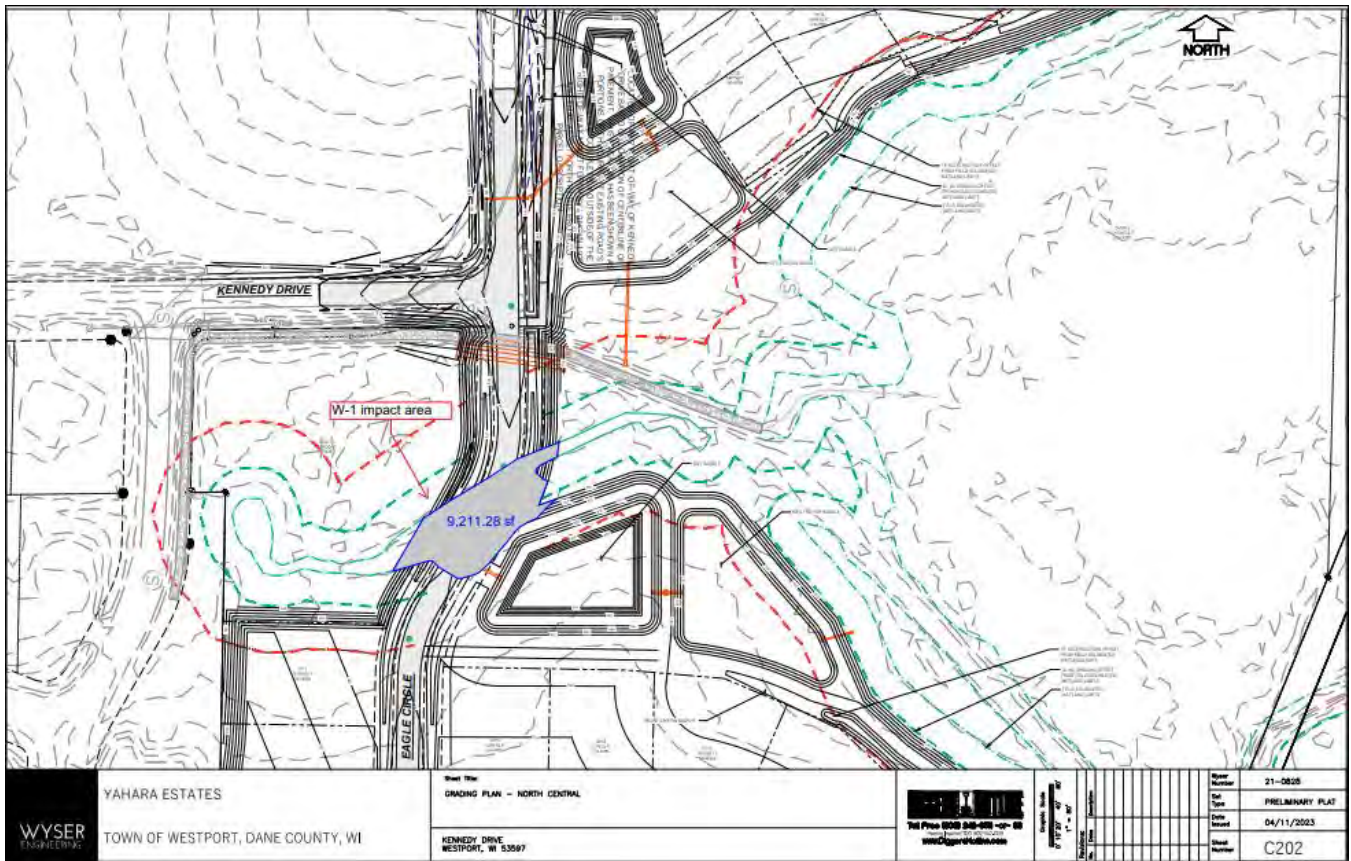
Sincerely,



Allen Ramminger  
Water Management Specialist

Copy to:

USACE Project Manager  
County Zoning Administrator  
Consultant



**State of Wisconsin**  
**DEPARTMENT OF NATURAL RESOURCES**  
3911 Fish Hatchery Rd.  
Fitchburg, WI, 53711

**Tony Evers, Governor**  
**Adam N. Payne, Secretary**  
Telephone 608-266-2621  
Toll Free 1-888-936-7463  
TTY Access via relay - 711



April 6, 2023

Carl Ruedebusch  
4605 Dovetail Dr  
Madison, WI 53704

GP-SC-2023-13-00376

RE: Coverage under the wetland statewide general permit to impact wetlands from residential, commercial and industrial activities, located in the Town of WESTPORT, Dane County, docket GP-SC-2023-13-00376.

Dear Mr. Ruedebusch:

Thank you for submitting an application for a General Permit to impact wetlands from residential, commercial and industrial activities located in the SW 1/4 of NW 1/4, Sec. 22, T08N, R09E, Town of WESTPORT, Dane County.

You have certified that your project meets the eligibility criteria for this activity. Based upon your signed certification you may proceed with your project. Please take this time to re-read the permit standards and conditions. The eligibility standards can be found on your application checklist or in the statewide general permit (found at <http://dnr.wi.gov/topic/waterways/> - keyword: general permits). The permit conditions are attached to this letter. **You are responsible for meeting all general permit eligibility standards and permit conditions.** This includes notifying the Department before starting the project and submitting photographs within one week of project completion. Please note your coverage is valid for 5 years from the date of the department's determination or until the activity is completed, whichever occurs first.

The Department conducts routine and annual compliance monitoring inspections. Our staff may follow up and inspect your project to verify compliance with state statutes and codes. If you need to modify your project please contact your local Water Management Specialist, Allen Ramminger at (608) 228-4067 or email [Allen.Ramminger@wisconsin.gov](mailto:Allen.Ramminger@wisconsin.gov) to discuss your proposed modifications.

The Department of Natural Resources appreciates your willingness to comply with wetland regulations, which help to protect the water quality, fish and wildlife habitat, recreational value and other functions and values wetlands provide to current and future generations. You are responsible for obtaining any other local, state or federal permits that are required before starting your project.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Allen Ramminger'.

Allen Ramminger  
Water Management Specialist

Copy to: USACE Project Manager  
County Zoning Administrator



You agree to comply with the following conditions:

1. **Application.** You shall submit a complete application package to the Department as outlined in the application materials and section 2 of this permit. If requested, you shall furnish the Department, within a reasonable timeframe, any information the department needs to verify compliance with the terms and conditions of this permit.
2. **Certification.** Acceptance of general permit WDNR-GP1-2017 and efforts to begin work on the activities authorized by this general permit signifies that you have certified the project meets all eligibility standards outlined in Section 1 of this permit and that you have read, understood and have agreed to follow all terms and conditions of this general permit.
3. **Reliance on Applicant's Data.** The determination by this office that a confirmation of authorization is not contrary to wetland water quality standards will be based upon the information provided by the applicant and any other information required by the DNR.
4. **Project Plans.** This permit does not authorize any work other than what is specifically described in the notification package and plans submitted to the Department and you certified is in compliance with the terms and conditions of WDNR-GP1-2017
5. **Expiration.** This WDNR-GP1-2017 expires on October 31, 2022. The time limit for completing work authorized by the provisions of WDNR-GP1-2017 ends 5 years after the date on which the discharge is considered to be authorized under WDNR-GP1-2017 or until the discharge is completed, whichever occurs first.
6. **Other Permit Requirements.** You are responsible for obtaining any other permit or approval that may be required for your project by local zoning ordinances, other local authority, other state permits and by the U.S. Army Corps of Engineers before starting your project.
7. **Authorization Distribution.** You must supply a copy of the permit coverage authorization to every contractor working on the project.
8. **Project Start.** You shall notify the Department before starting construction.
9. **Permit Posting.** You must post a copy of this permit coverage letter at a conspicuous location on the project site prior to the execution of the permitted activity and remaining at least five days after stabilization of the area of permitted activity. You must also have a copy of the permit coverage letter and approved plan available at the project site at all times until the project is complete.
10. **Permit Compliance.** The department may modify or revoke coverage of this permit if the project is not constructed in compliance with the terms and conditions of this permit, or if the Department determines the project will be detrimental to wetland water quality standards. Any act of noncompliance with this permit constitutes a permit violation and is grounds for enforcement action. Additionally, if any applicable conditions of this permit are found to be invalid or unenforceable, authorization for all activities to which that condition applies is denied.
11. **Construction Timing.** Once wetland work commences, all wetland construction activities must be continuous until the permitted activity is completed and the site is stabilized.
12. **Construction.** No other portion of the wetland may be disturbed beyond the area designated in the submitted plans.
13. **Project Completion.** Within one week of completion of the regulated activity, you shall submit to the Department a statement certifying the project is in compliance with all the terms and conditions of this permit, and photographs of the activities authorized by this permit. This statement must reference the Department-issued docket number, and be submitted to the Department staff member that authorized coverage.
14. **Proper Maintenance.** You must maintain the activity authorized by WDNR-GP1-2017 in good condition and in conformance with the terms and conditions of this permit utilizing best management practices. Any structure or fill authorized shall be properly maintained to ensure no additional impacts to the remaining wetlands.

15. **Site Access.** Upon reasonable notice, you shall allow access to the site to any Department employee who is investigating the project's construction, operation, maintenance or permit compliance with the terms and conditions of WDNR-GP1-2017 and applicable laws.

16. **Erosion and siltation controls.** The project site shall implement erosion and sediment control measures that adequately control or prevent erosion and prevent damage to wetlands as outlined in NR 151.11(6m), Wis. Adm. Code.

17. **Equipment use.** The equipment used in the wetlands must be low ground weight equipment as specified by the manufacturer specifications.

18. **Invasive Species.** All project equipment shall be decontaminated for removal of invasive species prior to and after each use on the project site by utilizing other best management practices to avoid the spread of invasive species as outlined in NR 40, Wis. Adm. Code. For more information, refer to <http://dnr.wi.gov/topic/Invasives/bmp.html>.

19. **Federal and State Threatened and Endangered Species.** WDNR-GP1-2017 does not affect the DNR's responsibility to ensure that all authorizations comply with Section 7 of the Federal Endangered Species Act, s. 29.604, Wis. Stats and applicable State Laws. No DNR authorization under this permit will be granted for projects found not to comply with these Acts/laws. No activity is authorized which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act and/or State law or which is likely to destroy or adversely modify the critical habitat of a species as identified under the Federal Endangered Species Act.

20. **Special Concern Species.** If the Wisconsin National Heritage Inventory lists a known special concern species to be present in the project area you will take reasonable action to prevent significant adverse impacts or to enhance the habitat for the species of concern.

21. **Historic Properties and Cultural Resources.** WDNR-GP1-2017 does not affect the DNR's responsibility to insure that all authorizations comply with Section 106 of the National Historic Preservation Act and s. 44.40, Wis. Stats. No DNR authorization under this permit will be granted for projects found not to comply with these Acts/laws. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places. If cultural, archaeological, or historical resources are unearthed during activities authorized by this permit, work must be stopped immediately, and the State Historic Preservation Officer must be contacted for further instruction.

22. **Preventive Measures.** Measures must be adopted to prevent potential pollutants from entering a wetland or waterbody. Construction materials and debris, including fuels, oil, and other liquid substances, will not be stored in the construction area in a manner that would allow them to enter a wetland or waterbody as a result of spillage, natural runoff, or flooding. If a spill of any potential pollutant should occur, it is the responsibility of the permittee to remove such material, to minimize any contamination resulting from this spill, and to immediately notify the State Duty Officer at 1-800-943-0003.

23. **Suitable fill material.** All fill authorized under this permit must consist of clean suitable soil material, as defined by s. NR 500.03(214), Wis. Admin. Code, free from hazardous substances as defined by s. 289.01(11), Wis. Stats., and free from solid waste as defined by s. 289.01(11) and (33), Wis. Stats.

24. **Standard for Coverage.** Wetland impacts from the project will cause only minimal adverse environmental impacts as determined by the Department.

25. **Transfers.** Coverage under this permit is transferable to any person upon prior written approval of the transfer by the Department.

26. **Limits of State Liability.** In authorizing work, the State Government does not assume any liability, including for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the State in the public interest.

- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this WDNR-GP1-2017.

27. **Reevaluation of Decision.** The Department may suspend, modify or revoke authorization of any previously authorized activity and may take enforcement action if any of the following occur:

- a. The applicant fails to comply with the terms and conditions of WDNR-GP1-2017.
- b. The information provided by the applicant in support of the permit application proves to have been false, incomplete, or inaccurate.
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

